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NAVAL CRIMINAL INVESTIGATIVE SERVICES
RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

Package ID #: 0027254-000812		
Name: (b)(6), (b)(7)(C)		
AKA:		
Social Security Number: (b)(6), (b)(7)(C)		Context: Subject
Date of Birth: (b)(6), (b)(7)(C)	State of Birth: N/A	Country of Birth: (b)(6), (b)(7)(C)
Case Number: 07DEC11SEGT0055		Dossier:
DCII INDEX CODE: K = 50 Years	RECORD SERIES #: 5580/4a(1)(b)	Date Closed: 02/19/2014
RECORD SERIES (FILE PLAN) ty Svcs - Law Enforcement - NCIS Criminal Investigative - Controlled Death, Sex Investigations, & Case Files (Created on or after 1 January 1988) Criminal Investigative Reports		
Comments:		
<input type="checkbox"/> No Polygraph Examination Conducted		<input checked="" type="checkbox"/> Yes Sexual Offender Registry Completed
<input checked="" type="checkbox"/> No Finger Prints Submitted to Code 23C2		<input checked="" type="checkbox"/> No Final Disposition Report to FBI
CIS - _____ / _____ <input type="checkbox"/> Closed Status <input type="checkbox"/> Dup Title <input type="checkbox"/> Dup CCN		
Disclosure/Accountability Statement: If this investigation is disseminated outside NCIS, complete NCIS Form 009/10-80, and ensure it is retained in the case file.		
 RUR00130YM		
14 / 5141		
Typed Name of SSA (b)(6), (b)(7)(C) 21DEC14 DATE		cert (b)(6), (b)(7)(C) and is complete.

Unclassified when separated from attachment unless otherwise indicated.

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CROSS REFERENCE SHEET

(Insert this behind the cover sheet)

The dossier 07DEC11SEGT0055
(Case Control Number (CCN))

on (b)(6), (b)(7)(C)
(Subject Name/Title)

ENC (B) to EXH (05) contains the following additional material on

CD CONTAINING PHOTOGRAPHIC DOCUMENTATION

(Subject of the additional material)

that has been retained in its original format and stored separately as specified below:

TYPE

LOCATION NUMBER

(To be completed by Code 11C13)

<input type="checkbox"/>	Grand Jury	_____
<input type="checkbox"/>	X – Rays	_____
<input type="checkbox"/>	Video Tapes	_____
<input type="checkbox"/>	Audio Tapes	_____
<input type="checkbox"/>	Photographs (images of photographs are contained in the electronic dossier, actual photographs(s) from hard copy dossier is/are filed separately.)	_____
<input type="checkbox"/>	Polygraph Material	_____
<input type="checkbox"/>	Source Envelope	_____
<input checked="" type="checkbox"/>	Other CD _____ (Description)	_____

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

19FEB14

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/C

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA SAN DIEGO CA CASE FILE: (b)(6), (b)(7)(C) CCN:
07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS
1-21)/19JAN12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS
22-24)/06MAR12
- (D) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT
25)/18APR12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
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26-28)/01AUG12
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- (O) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS
29-30)/26AUG13
- (P) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBIT
31)/08OCT13
- (Q) NCISRA SAN DIEGO CA ROI (INTERIM)/05DEC13

EXHIBIT(S)

- (32) REPORT OF RESULTS OF TRIAL BY GENERAL COURT MARTIAL ICO SH2
(b)(6), (b)(7)(C) 14FEB14

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Dec11 in his barracks room on board Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was previously the subject of another NCIS investigation in which he was accused of sodomizing (b)(6), (b)(7)(C) who was a US Navy member at the time,

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL:07DEC11-SEGT-0055-8DNA/C

19FEB14

Reference (A) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigation Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA, to determine prosecutorial merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted in Feb13 and the Investigating Officer did not recommend that the case move forward to a Court Martial; however, the Convening Authority elected to refer charges against (b)(6), (b)(7)(C). The General Court Martial for (b)(6), (b)(7)(C) was completed on 14Feb14. The panel found (b)(6), (b)(7)(C) guilty of sodomy against (b)(6), (b)(7)(C) and not guilty of sodomy against (b)(6), (b)(7)(C) CIV. He was sentenced to one year confinement, forfeitures of all pay and allowances while confined, and a Dishonorable Discharge from the US Navy. This investigation is closed.

NARRATIVE

1. This investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice (UCMJ).
2. A General Court Martial for (b)(6), (b)(7)(C) was completed in San Diego, CA on 14Feb14. A panel of members found (b)(6), (b)(7)(C) guilty of sodomy with regards to (b)(6), (b)(7)(C) but not guilty of sodomy with regards to (b)(6), (b)(7)(C) CIV. (b)(6), (b)(7)(C) was sentenced to one year confinement, forfeiture of all pay and allowances while confined, and a Dishonorable Discharge from the US Navy. In addition, (b)(6), (b)(7)(C) will be required to register as a sex offender, Exhibit (32) pertains.
3. On 18Feb14, RA confirmed with CDR (b)(6), (b)(7)(C) USN, Executive Officer, Naval Consolidated Brig Miramar, that Brig personnel would obtain and submit (b)(6), (b)(7)(C) photographs and fingerprints to the Federal Bureau of Investigation upon his confinement, and would also obtain and submit a DNA sample to the US Army Criminal Investigation Laboratory (USACIL) Combined DNA Index System (CODIS). This investigation is closed.

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INFO :SWFO/SWND/002P

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Pages 5 through 7 redacted for the following reasons:

Exhibit (32) is referred to: Office of the Judge Advocate General, Criminal Law Division, 1254 Charles Morris St SE, Washington Navy Yard, DC 203752

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

05DEC13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA SAN DIEGO CA CASE FILE: (b)(6), (b)(7)(C) CCN: 07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (D) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (H) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
- (J) NCISRA SAN DIEGO CA ROI (INTERIM)/18DEC12
- (K) NCISRA SAN DIEGO CA ROI (INTERIM)/19FEB13
- (L) NCISRA SAN DIEGO CA ROI (INTERIM)/25MAR13
- (M) NCISRA SAN DIEGO CA ROI (INTERIM)/28MAY13
- (N) NCISRA SAN DIEGO CA ROI (INTERIM)/23JUL13
- (O) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 29-30)/26AUG13
- (P) NCISRA SAN DIEGO ROI (INTERIM)/(CONTAINS EXHIBIT 31)/08OCT13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Dec11 in his barracks room on board Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was previously the subject of another NCIS investigation in which he was accused of sodomizing (b)(6), (b)(7)(C) who was a US Navy member at the time, Reference (A) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE
CONTROL:07DEC11-SEGT-0055-8DNA/T

05DEC13

(b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigation Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA, to determine prosecutorial merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted in Feb13 and the Investigating Officer did not recommend that the case move forward to a Court Martial; however, the Convening Authority elected to refer charges against (b)(6), (b)(7)(C). The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled for 27Jan14.

NARRATIVE

1. This investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice (UCMJ).

2. The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled to begin on 27Jan14.

DISTRIBUTION

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(b)(6),
(b)(7)(C)

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(b)(6),
(b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

08OCT13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA SAN DIEGO CA CASE FILE: (b)(6), (b)(7)(C) CCN:
07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS
1-21)/19JAN12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS
22-24)/06MAR12
- (D) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT
25)/18APR12
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- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS
26-28)/01AUG12
- (H) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
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- (N) NCISRA SAN DIEGO CA ROI (INTERIM)/23JUL13
- (O) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS
29-30)/26AUG13

EXHIBIT(S)

- (31) IA: FOLLOW-UP ON ARREST DISPOSITION INFORMATION FOR (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CIV/08OCT13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Dec11 in his barracks room on board Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was previously the subject of another NCIS investigation in which he was accused of sodomizing (b)(6), (b)(7)(C) who was a US Navy member at the time, Reference (A) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07DEC11-SEGT-0055-8DNA/T

08OCT13

the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigation Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA, to determine prosecutorial merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted in Feb13 and the Investigating Officer did not recommend that the case move forward to a Court Martial; however, the Convening Authority elected to refer charges against (b)(6), (b)(7)(C). The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled for 21Oct13.

NARRATIVE

1. This investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice (UCMJ).

2. On 07Oct13, Reporting Agent (RA) contacted (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(31) pertains.

3. The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled to begin on 21Oct13.

DISTRIBUTION

NCISHQ:023B

INFO :RLSO (ATTN: LCDR (b)(6), (b)(7)(C)) (H)/SWFO/COMMAND (H)/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08OCT13

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

FOLLOW-UP ON ARREST DISPOSITION INFORMATION FOR (b)(6), (b)(7)(C), CIV

1. At the request of LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Region Legal Service Office Southwest, Reporting Agent (RA) contacted the (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

but agreed to mail the Court Disposition document to RA. Receipt of that document is pending.

ENCLOSURE(S)

(A) MARIETTA MUNICIPAL COURT JUDEMENT ENTRY/31AUG13

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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(b)(6),
(b)(7)(C)

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Exhibit (31)

Page 13 redacted for the following reason:

Enclosure (A) to Exhibit (31) is withheld (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

26AUG13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

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- (M) NCISRA SAN DIEGO CA ROI (INTERIM)/28MAY13
- (N) NCISRA SAN DIEGO CA ROI (INTERIM)/23JUL13

EXHIBIT(S)

- (29) IA: RESULTS OF RECORDS CHECKS FOR (b)(6), (b)(7)(C) 26AUG13
- (30) IA: RESULTS OF RECORDS CHECKS FOR (b)(6), (b)(7)(C) 26AUG13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Dec11 in his barracks room on board Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was previously the subject of another NCIS investigation in which he was accused of sodomizing (b)(6), (b)(7)(C) who was a US Navy member at the time, Reference (A) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some

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CONTROL:07DEC11-SEGT-0055-8DNA/T

26AUG13

point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutorial merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted in Feb13 and the Investigating Officer did not recommend that the case move forward to a Court Martial; however, the Convening Authority elected to refer charges against (b)(6), (b)(7)(C). The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled for 15Oct13.

NARRATIVE

1. This investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice (UCMJ).

2. Updated criminal records checks were conducted on (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CIV, at the request of LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Region Legal Service Office (RLSO) Southwest. (b)(6), (b)(7)(C) had no active wants or warrants and no prior criminal convictions, Exhibit (29) pertains. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Exhibit (30) pertains.

3. The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled for 15Oct13 - 18Oct13.

DISTRIBUTION

NCISHQ:023B

INFO :SWFO/RLSO (ATTN: LCDR (b)(6), (b)(7)(C) (H)/COMMAND (H)/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

26AUG13

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

RESULTS OF RECORDS CHECKS FOR (b)(6), (b)(7)(C)

1. On 31Jul13, Reporting Agent (RA) received a request from LCDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Region Legal Service Office (RLSO) Southwest to conduct updated criminal records check on (b)(6), (b)(7)(C). On 02Aug13, records checks were conducted on (b)(6), (b)(7)(C) in the following databases: Automated Regional Justice Information System (ARJIS), Criminal Justice Information Services (CJIS), National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC), and the Department of Defense Law Enforcement Exchange (D-DEX). (b)(6), (b)(7)(C) had no active wants or warrants and no record of a criminal history with civilian law enforcement agencies.

(b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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(b)(6),
(b)(7)(C)

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000016

Exhibit (29)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

26AUG13

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

RESULTS OF RECORDS CHECKS FOR (b)(6), (b)(7)(C)

1. On 31Jul13, Reporting Agent (RA) received a request from LCDR (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Region Legal Service Office (RLSO) Southwest to conduct records checks on (b)(6), (b)(7)(C) CIV, 227-61-0521. Criminal records checks were conducted on 02Aug13 in the following databases: Automated Regional Justice Information System (ARJIS), Criminal Justice Information Services (CJIS), National Crime Information Center (NCIC), Defense Central Index of Investigations (DCII), Consolidated Law Enforcement Operations Center (CLEOC), and the Department of Defense Law Enforcement Exchange (D-DEX). According to those records, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: RESIDENT AGENCY SAN DIEGO

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PAGE 1 LAST (b)(6), (b)(7)(C) ONLY
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Exhibit (30)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

23JUL13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C) /CCN: 07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (D) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (H) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
- (J) NCISRA SAN DIEGO CA ROI (INTERIM)/18DEC12
- (K) NCISRA SAN DIEGO CA ROI (INTERIM)/19FEB13
- (L) NCISRA SAN DIEGO CA ROI (INTERIM)/25MAR13
- (M) NCISRA SAN DIEGO CA ROI (INTERIM)/28MAY13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on board Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (A) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07DEC11-SEGT-0055-8DNA/T

23JUL13

incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutorial merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted in Feb13 and the Investigating Officer did not recommend that the case move forward to a Court Martial; however, LT (b)(6), (b)(7)(C) USN, JAGC, RLSO, advised after meeting with the Convening Authority, charges were referred against (b)(6), (b)(7)(C). The General Court Martial for (b)(6), (b)(7)(C) is currently scheduled for 15Oct13.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice (UCMJ).

2. Per LCDR (b)(6), (b)(7)(C) JAGC, USN, Senior Trial Counsel, Region Legal Service Office Southwest, (b)(6), (b)(7)(C) General Court Martial is currently scheduled for 15Oct13 - 18Oct13.

DISTRIBUTION

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INFO :SWFO/SWND/COMMAND (E)

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

28MAY13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (D) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (H) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C) CCN: 07OCT08-SWXP-0107-8FNA/C
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
- (J) NCISRA SAN DIEGO CA ROI (INTERIM)/18DEC12
- (K) NCISRA SAN DIEGO CA ROI (INTERIM)/19FEB13
- (L) NCISRA SAN DIEGO CA ROI (INTERIM)/25MAR13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on board Naval Station Guantanamo Bay, Cuba, References (A) - (L) pertain. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (H) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11, into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07DEC11-SEGT-0055-8DNA/T

28MAY13

after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutive merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted and the Investigating Officer did not recommend (b)(6), (b)(7)(C) be held to answer at a Court Martial; however, LT (b)(6), (b)(7)(C) USN, JAGC, RLSO, advised after meeting with the Convening Authority, the case will be referred to Court Martial. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego (NMCSO), CA has been apprised of this investigation. Investigation maintains pending (b)(6), (b)(7)(C) Court Martial.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice.
2. On 28May13, LT (b)(6), (b)(7)(C) USN, JAGC, RLSO advised (b)(6), (b)(7)(C) arraignment was just conducted. The case is pending setting trial dates.
3. Investigation is pending results of judicial action.
4. Due to reassignment of RA, the investigation is being reassigned to Special Agent (b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ:23B2

INFO :SWND/SWFO/NMCSO (CAPT (b)(6), (b)(7)(C) (E)

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

25MAR13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (D) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (H) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C) /CCN: 07OCT08-SWXP-0107-8FNA/C
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
- (J) NCISRA SAN DIEGO CA ROI (INTERIM)/18DEC12
- (K) NCISRA SAN DIEGO CA ROI (INTERIM)/19FEB13

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on board Naval Station Guantanamo Bay, Cuba, References (A) - (K) pertain. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (H) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 07DEC11-SEGT-0055-8DNA/T

25MAR13

oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutive merit. (b)(6), (b)(7)(C) Article 32 hearing was conducted and the Investigating Officer did not recommend (b)(6), (b)(7)(C) be held to answer at a Court Martial; however, LT (b)(6), (b)(7)(C) JAGC, USN, advised after meeting with the Convening Authority, the case will be referred to Court Martial. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego (NMCSD), CA has been apprised of this investigation. Investigation is pending (b)(6), (b)(7)(C) Court Martial.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice.
2. On 25Mar13, contact with LT (b)(6), (b)(7)(C) disclosed he met with the Convening Authority, who advised he will refer the case to a General Court Martial.
3. Investigation is pending (b)(6), (b)(7)(C) Court Martial.

DISTRIBUTION

NCISHQ:23B2

INFO : SWFO/NMCSD (CAPT (b)(6), (b)(7)(C) (E)/RLSO (LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (E)/SWND 27Mar13

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

19FEB13

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (D) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (H) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C) CCN: 07OCT08-SWXP-0107-8FNA/C
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12
- (J) NCISRA SAN DIEGO CA ROI (INTERIM)/18DEC12

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on board Naval Station Guantanamo Bay, Cuba, References (A) - (J) pertain. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (H) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal

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CONTROL:07DEC11-SEGT-0055-8DNA/T

19FEB13

intercourse. (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutive merit. Prosecutorial responsibility is assigned to LT (b)(6), (b)(7)(C) who advised (b)(6), (b)(7)(C) Article 32 hearing will be on 21Feb13. Investigation is pending the results (b)(6), (b)(7)(C) Article 32 hearing and additional judicial/administrative action deemed appropriate. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego (NMCS), CA has been apprised of this investigation.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice.
2. On 19Feb13, contact with LT (b)(6), (b)(7)(C) disclosed (b)(6), (b)(7)(C) Article 32 hearing is scheduled for 21Feb13. Investigation is pending results of the hearing and any additional judicial/administrative action deemed appropriate.

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(b)(6), (b)(7)(C)

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(b)(6),
(b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

18DEC12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (D) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (H) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C)/CCN: 07OCT08-SWXP-0107-8FNA/C
- (I) NCISRA SAN DIEGO CA ROI (INTERIM)/06NOV12

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on board Naval Station Guantanamo Bay, Cuba, References (A) - (I) pertain. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (H) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 into the early morning of 03Dec11, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) was interrogated and claimed after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) said he and (b)(6), (b)(7)(C) had consensual anal intercourse after (b)(6), (b)(7)(C) said "Baby I want you to cum in me." (b)(6), (b)(7)(C) was

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07DEC11-SEGT-0055-8DNA/T

18DEC12

re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis, which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutive merit. Prosecutorial responsibility is now assigned to LT (b)(6), (b)(7)(C) who advised Article 32 charges are forthcoming. This case is pending (b)(6), (b)(7)(C) Article 32 hearing. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego (NMCSO), CA has been apprised of this investigation.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice.
2. On 18Dec12, contact with LT (b)(6), (b)(7)(C) disclosed he will be preferring charges against (b)(6), (b)(7)(C) and an Article 32 hearing is forthcoming.
3. Investigation is pending (b)(6), (b)(7)(C) Article 32 hearing, and the results thereof.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

06NOV12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/RESIDENT AGENCY SAN DIEGO (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 1-21)/19JAN12
- (B) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBITS 22-24)/06MAR12
- (C) NCISRA GUANTANAMO BAY CUBA ROI (INTERIM)/(CONTAINS EXHIBIT 25)/18APR12
- (D) NCISRA SAN DIEGO CA ROI (INTERIM)/16MAY12
- (E) NCISRA SAN DIEGO CA ROI (INTERIM)/02JUL12
- (F) NCISRA SAN DIEGO CA ROI (INTERIM)/(CONTAINS EXHIBITS 26-28)/01AUG12
- (G) NCISRA SAN DIEGO CA ROI (INTERIM)/14SEP12
- (H) NCISRA SAN DIEGO CA CASEFILE: (b)(6), (b)(7)(C) CCN: 07OCT08-SWXP-0107-8FNA/C

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on Naval Station Guantanamo Bay, Cuba, References (A) - (G) pertain. (b)(6), (b)(7)(C) was previously the subject in another NCIS investigation in which he was accused of sodomizing another U.S. Navy member, Exhibit (H) pertains. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 and into the early morning of 03Dec11 and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed-out and/or blacked-out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed-out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) had consensual anal intercourse after (b)(6), (b)(7)(C) said "Baby I want you to cum in me." (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL:07DEC11-SEGT-0055-8DNA/T

06NOV12

with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. Investigation was reviewed by the Region Legal Service Office (RLSO) Southwest San Diego, CA to determine prosecutive merit. Prosecutorial responsibility was subsequently transferred from LT (b)(6), (b)(7)(C) JAGC, USN, RLSO to LT (b)(6), (b)(7)(C) who advised Article 32 charges are forthcoming. This case is pending (b)(6), (b)(7)(C) Article 32 hearing. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego (NMCSO), CA has been apprised of this investigation.

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Aggravated Sexual Assault) of the Uniform Code of Military Justice.
2. On 06Nov12, contact with LT (b)(6), (b)(7)(C) disclosed he expects to prefer charges against (b)(6), (b)(7)(C) and conduct an Article 32 hearing in the near future.
3. Investigation is pending (b)(6), (b)(7)(C) Article 32 hearing, and the results thereof.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

14SEP12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO Southwest San Diego CA CASEFILE: (b)(6), (b)(7)(C) /CCN: 07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19Jan12 (Contains Exhibits 1-21)
- (C) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/06Mar12 (Contains Exhibits 22-24)
- (D) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/18Apr12 (Contains Exhibit 25)
- (E) NCISFO Southwest San Diego CA ROI (INTERIM)/16May12
- (F) NCISFO Southwest San Diego CA ROI (INTERIM)/02Jul12
- (G) NCISFO Southwest San Diego CA ROI (INTERIM)/01Aug12 (Contains Exhibits 26-28)

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 and into the early morning of 03Dec11 and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed out and/or blacked out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and kissing. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) had consensual anal intercourse after (b)(6), (b)(7)(C) said "Baby I want you to cum in me." (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic

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14SEP12

SUBJ: (b)(6), (b)(7)(C) /SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

analysis which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. This case is pending judicial and/or administrative action against (b)(6), (b)(7)(C)

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (sodomy) of the Uniform Code of Military Justice.
2. This case was reviewed by LT (b)(6), (b)(7)(C) JAGC, USN, Region Legal Service Office (RLSO) Southwest, References (A) - (G) pertain. On 14Sep12, LT (b)(6), (b)(7)(C) advised this case has been transferred to RLSO Southwest Trial Counsel LT (b)(6), (b)(7)(C) USN, and charges are expected to be preferred in the near future. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego, CA, is aware of this case.

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REPORT OF INVESTIGATION (ACTION)

21AUG12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/CNGL/GREAT LAKES IL (b)(6), (b)(7)(C) INVESTIGATOR

REFERENCE

(A) NCISRA SAN DIEGO CA ROI (ACTION)/31Jul12

NARRATIVE

1. Lead tasking assigned in Reference (A), to brief (b)(6), (b)(7)(C) command regarding (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) is complete.

2. On 20Aug12, AECS (b)(6), (b)(7)(C) USN, USS Tranquility, Recruit Training Command (RTC), Great Lakes, IL, was provided information (b)(6), (b)(7)(C) had

(b)(6), (b)(7)(C) stated he would provide the information to (b)(6), (b)(7)(C) and suggest he make arrangements to clear up the situation.

3. Lead tasking for NCISRA Great Lakes, IL is complete.

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REPORT OF INVESTIGATION (ACTION)

08AUG12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

COMMAND/JTG GTMO/31886

MADE AT/2GVD/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) 2GVQ ROI (ACTION)/13JUL12

NARRATIVE

1. Reference (A) directed the polygraph examination of (b)(6), (b)(7)(C) who was accused of raping (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) admitted to having consensual sex with (b)(6), (b)(7)(C), but denied raping him.

2. On 03AUG12, Case Agent (b)(6), (b)(7)(C) was contacted to facilitate the scheduling of (b)(6), (b)(7)(C) polygraph. (b)(6), (b)(7)(C) indicated (b)(6), (b)(7)(C) no longer wishes to undergo a polygraph examination.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, SWND

ACTION

R.2GQV: Cancel lead tasking under approval number 2012-2271.

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ACTION: 2GVQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

01AUG12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO Southwest San Diego CA CASEFILE: (b)(6), (b)(7)(C) /CCN: 07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19Jan12 (Contains Exhibits 1-21)
- (C) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/06Mar12 (Contains Exhibits 22-24)
- (D) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/18Apr12 (Contains Exhibit 25)
- (E) NCISFO Southwest San Diego CA ROI (INTERIM)/16May12
- (F) NCISFO Southwest San Diego CA ROI (INTERIM)/02Jul12

EXHIBITS

- (26) IA: Results of Service Record Review of (b)(6), (b)(7)(C) 24Jul12...(Copy RLSO/Command)
- (27) IA: Results of Service Record Review of (b)(6), (b)(7)(C) 24Jul12...(Copy RLSO/Command)
- (28) IA: Results of Records Checks for (b)(6), (b)(7)(C) 30Jul12...(Copy RLSO)

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11 after NCISRA Guantanamo Bay, Cuba, was notified that (b)(6), (b)(7)(C) was indecently assaulted on 03Jul12 in his barracks room on Naval Station Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was interviewed and stated he and several people, including (b)(6), (b)(7)(C) were drinking alcohol on 02Dec11 and into the early morning of 03Dec11 and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely intoxicated and passed out and/or blacked out at some point. At approximately 0300 on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. A crime scene examination was conducted and items of evidence were seized. Several witnesses were interviewed and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both very intoxicated and argued prior to the incident. (b)(6), (b)(7)(C) reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated oral sex and

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SUBJ: (b)(6), (b)(7)(C) SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

kissing. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) had consensual anal intercourse after (b)(6), (b)(7)(C) said "Baby I want you to cum in me." (b)(6), (b)(7)(C) was re-interviewed and stated it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. The United States Army Criminal Investigations Laboratory conducted forensic analysis which revealed (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. This case is pending judicial and/or administrative action against (b)(6), (b)(7)(C)

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (sodomy) of the Uniform Code of Military Justice.
2. A review of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) service records was conducted on 24Jul12. Nothing pertaining to the captioned investigation was noted. Exhibits (26) and (27) pertain.
3. On 30Jul12, Reporting Agent reviewed records for (b)(6), (b)(7)(C). This review revealed there is a warrant for his arrest in Cherokee County Georgia for a failure to appear. Additionally, (b)(6), (b)(7)(C) was cited for driving under the influence on 04Feb12 in Guantanamo Bay, Cuba. Exhibit (28) pertains.
4. Reference (A) documents a prior NCIS investigation in which (b)(6), (b)(7)(C) was accused of sodomizing another United States Navy member.
5. This case is being transferred to Special Agent (b)(6), (b)(7)(C) because RA is transferring from the NCISFO Southwest San Diego, CA, Family and Sexual Violence squad. This case is being reviewed by LT (b)(6), (b)(7)(C) JAGC, USN, Region Legal Service Office Southwest. CAPT (b)(6), (b)(7)(C) JAGC, USN, Staff Judge Advocate, Naval Medical Center San Diego, CA, is aware of this case.

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T 02Aug12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24JUL12

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW OF (b)(6), (b)(7)(C)

1. On 24Jul12, a review of (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(6), (b)(7)(C) military experience.

2. Personal information

Full name: (b)(6), (b)(7)(C)

Rate/Rank: SH3/E-4

DOB: (b)(6), (b)(7)(C)

Citizenship: (b)(6), (b)(7)(C)

POB: (b)(6), (b)(7)(C)

SSN: (b)(6), (b)(7)(C)

Mother: (b)(6), (b)(7)(C)

Father: (b)(6), (b)(7)(C)

Brother: (b)(6), (b)(7)(C)

Sister: (b)(6), (b)(7)(C)

Religious Preference: Catholic

Beneficiaries: (b)(6), (b)(7)(C)

3. Experience

Education: Westmoor High School, Daly City, CA

Foreign Language: (b)(6), (b)(7)(C)

Place of Enlistment: San Jose MEPS

Date of Enlistment: 17Sep03

History of Assignments:

NAVCRUITTRACOM Great Lakes: 31Aug04-31Oct04

TSC Great Lakes: 31Oct04-24Nov04

USS Shiloh (CG-67): 19Jan05-16Aug06

USS Chancellorsville (CG-62): 16Aug06-19Jan10

NMCSO: 05Feb10-present

Awards: Navy and Marine Corps Achievement Medal (x3)

National Defense Service Medal

Humanitarian Service Medal

Global War on Terrorism Service Medal

Navy 'E' Ribbon

9mm Pistol Marksman

4. (b)(6), (b)(7)(C) has received 7 fitness reports and has been rated an

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000036

EXHIBIT (26)

24JUL12

SUBJ: (b)(6), (b)(7)(C) /SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

average of a 4.07 sailor.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO Southwest San Diego, CA

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PAGE 2 LAST (b)(6), (b)(7)(C) V2 LNY

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T 02 Aug 12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24JUL12

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

RESULTS OF SERVICE RECORD REVIEW OF (b)(6), (b)(7)(C)

1. On 24Jul12, a review of (b)(6), (b)(7)(C) service record was conducted. The review revealed the below listed biographical information as well as (b)(6), (b)(7)(C)'s military experience.

2. Personal information:

Full name: (b)(6), (b)(7)(C)

Rate/Rank: HN/E-3

DOB: (b)(6), (b)(7)(C)

POB: (b)(6), (b)(7)(C)

SSN: (b)(6), (b)(7)(C)

Home of Record: (b)(6), (b)(7)(C)

Father: (b)(6), (b)(7)(C)

Mother: (b)(6), (b)(7)(C)

Religious Preference: Christian

Beneficiaries: (b)(6), (b)(7)(C)

3. Experience

Enlistment Location: Fort Gillem, GA

Date of Enlistment: 20Mar09

AFQT score: 70

Formal Education: Sequoyah HS, Canton GA (Aug05-May07)
Appalachian Tech College, Woodstock, GA (Oct07-Jun06)

Duty Stations: NSHS Portsmouth, VA (16Feb10-30Sep10)
NMTC Portsmouth, VA (16Feb10-29Oct10)
FHCC Great Lakes (01Mar11-15Jul11)
JTF GTMO (24Aug11-03Mar12)

4. (b)(6), (b)(7)(C) has received three fitness reports in which he was rated. The average of those fitness reports is 3.5.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISFO Southwest San Diego, CA

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(b)(6), (b)(7)(C)

V2 LNY

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000038

EXHIBIT (27)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30JUL12

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

RESULTS OF RECORDS CHECKS FOR (b)(6), (b)(7)(C)

1. On 30Jul12, Reporting Agent reviewed records checks for (b)(6), (b)(7)(C) obtained from several databases including the Automated Regional Justice Information System, Nation Crime Information Center, California Justice Information System, Automated Firearms System, National Wants and Warrants, Nation Pawn Database, CLEAR, Military Locator System, DoD Employee Information Data System, Case Information System, Family Advocacy, Consolidated Law Enforcement Operations Center (CLEOC), Joint Personnel Adjudication System (JPAS) and DoD Case Investigation Index.

2. National Wants and Warrants indicates (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

3. JPAS indicates (b)(6), (b)(7)(C) holds a Secret security clearance. MLS indicates (b)(6), (b)(7)(C) is currently assigned to the Naval Health Clinic Great Lakes.

4. CLEOC indicates (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISFO Southwest San Diego, CA

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PAGE 1 LAST (b)(6), (b)(7)(C)

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EXHIBIT (28)

T 01 Aug 12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

31JUL12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT

(1) IA: Results of Records Checks for (b)(6), (b)(7)(C) 0Jul12... (Copy CNGL)

NARRATIVE

1. This investigation was initiated on 07Dec11 at NCISRA Guantanamo Bay, Cuba, after (b)(6), (b)(7)(C) alleged (b)(6), (b)(7)(C) sodomized him. (b)(6), (b)(7)(C) provided he was consuming alcohol on 02Dec11 and into the early morning hours of 03Dec11. (b)(6), (b)(7)(C) stated he blacked out and/or passed out and awoke around 0300 to find (b)(6), (b)(7)(C) sodomizing him. (b)(6), (b)(7)(C) stated he awoke a second time and (b)(6), (b)(7)(C) was still sodomizing him. This case is being reviewed for prosecutorial merit by the Region Legal Service Office Southwest.

2. On 30Jul12, Reporting Agent was conducting records checks for

(b)(6), (b)(7)(C)

Exhibit (1) pertains.

ACTION

R.CNGL: Please inform (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ: 023B

ACTION: CNGL

INFO: SWND/CNFO

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(b)(6), (b)(7)(C)

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(b)(6),
(b)(7)(C)

T 19JUL12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE)

18JUL12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/NAVMEDCEN SAN DIEGO CA/00259

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Guantanamo Bay Cuba ROI (CHANGE)/26Mar12

NARRATIVE

1. Subsequent to the submission of Reference (A), (b)(6), (b)(7)(C) has been transferred to Naval Medical Center San Diego from Joint Task Force Guantanamo Bay, Cuba.

ACTION

DIST: Please pen and ink change (b)(6), (b)(7)(C) duty station as reflected above in the title block. Make any necessary updates to the DCII entry.

DISTRIBUTION

NCISHQ: 023B

ACTION: SWND/023B

INFO: SWND

FOR OFFICIAL USE (b)(6), (b)(7)(C)
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(b)(6),
(b)(7)(C)

T 05 JUL 12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

02JUL12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

✓ (b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19Jan12 (Contains Exhibits 1-21)
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/06Mar12 (Contains Exhibits 22-24)
- (C) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/18Apr12 (Contains Exhibit 25)
- (D) NCISFO Southwest San Diego CA ROI (INTERIM)/16May12

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C) Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA-GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, (b)(6), (b)(7)(C) Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still sodomizing him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. A crime scene examination was conducted, including photographs, and several items of evidence were seized. Several witness interviews were conducted and reported (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both intoxicated and argued prior to the incident. MSGT (b)(6), (b)(7)(C) USAF, reported he was the last person to leave (b)(6), (b)(7)(C) room when both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were arguing and did not witness them become intimate at any time before he left. (b)(6), (b)(7)(C) was interviewed and reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated consensual intimacy including kissing and oral sex. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) subsequently had consensual anal sex after

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000042

02JUL12

SUBJ: (b)(6), (b)(7)(C) / SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(b)(6), (b)(7)(C) reportedly stated, "Baby I want you to cum in me." After intercourse, (b)(6), (b)(7)(C) verbally threatened (b)(6), (b)(7)(C) banged his head against the wall and twisted his left arm. Other witnesses were interviewed who reported (b)(6), (b)(7)(C) told them (b)(6), (b)(7)(C) threatened him after they had sex. (b)(6), (b)(7)(C) was re-interviewed and acknowledged it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. Evidence was sent to the US Army Criminal Investigation Laboratory (USACIL) for examination. Upon their examination, it was determined (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. This investigation is pending the re-interrogation of (b)(6), (b)(7)(C)

NARRATIVE

1. This reactive investigation pertains to suspected violations of Article 125 (Sodomy) and Article 120 (Rape, Sexual Assault) of the Uniform Code of Military Justice (UCMJ).
2. Since the submission of Reference (D), Regional Legal Service Office (RLSO) Southwest and (b)(6), (b)(7)(C) Command have been briefed to the status and details of this investigation. A decision on prosecution for (b)(6), (b)(7)(C) is pending at Command.
3. This report is being generated to facilitate transfer of case control to Special Agent (b)(6), (b)(7)(C) NCISFO Southwest, San Diego, CA.

DISTRIBUTION

NCISHQ: 023B

INFO: SWND

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T 17May12

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

16MAY12

✓ INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/18APR12

NARRATIVE

1. Lead tasking set forth in Reference (A) requests case control be assumed by NCISFO Southwest. Reference (A) and case file have been received.

ACTION

DIST: Case control assumed by SWND.

DISTRIBUTION

NCISHQ: 023B

INFO: SWND/SEFO/SEGT

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(b)(6), (b)(7)(C)

V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

18APR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Guantanamo Bay, Cuba ROI (INTERIM)/19JAN12...(Contains Exhibits 1-21)
- (B) NCISRA Guantanamo Bay, Cuba ROI (INTERIM)/06MAR12...(Contains Exhibits 22-24)

EXHIBIT

(25) Memorandum from USACIL/23MAR12...(Copy All)

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, (b)(6), (b)(7)(C) Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still sodomizing him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. A crime scene examination was conducted, including photographs, and several items of evidence were seized. Several witness interviews were conducted and reported (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both intoxicated and argued prior to the incident. MSGT (b)(6), (b)(7)(C) USAF, reported he was the last person to leave (b)(6), (b)(7)(C) room when both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were arguing and did not witness them become intimate at any time before he left. (b)(6), (b)(7)(C) was interviewed and reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated consensual intimacy including kissing and oral sex. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) subsequently had consensual anal sex after (b)(6), (b)(7)(C) reportedly stated, "Baby I want you

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18APR12

SUBJ: (b)(6), (b)(7)(C) /SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

to cum in me." After intercourse, (b)(6), (b)(7)(C) verbally threatened (b)(6), (b)(7)(C) banged his head against the wall and twisted his left arm. Other witnesses were interviewed who reported (b)(6), (b)(7)(C) told them (b)(6), (b)(7)(C) threatened him after they had sex. (b)(6), (b)(7)(C) was re-interviewed and acknowledged it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. Evidence was sent to the US Army Criminal Investigation Laboratory (USACIL) for examination. Upon their examination, it was determined (b)(6), (b)(7)(C) was not a contributor to the mixture of DNA found on (b)(6), (b)(7)(C) underwear. This investigation is pending the re-interview of (b)(6), (b)(7)(C).

NARRATIVE

1. Subsequent to references (A) and (B), USACIL completed their examination of the evidence associated with this investigation. Semen was found on the boxer briefs of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was excluded as a contributor to the mixture detected. Exhibit (25) contains details.

2. Since the initiation of this investigation, (b)(6), (b)(7)(C) has departed Naval Station, Guantanamo Bay, Cuba, and returned to his home Command at the Naval Medical Center, San Diego, CA. This case is being permanently transferred to NCISFO San Diego, CA, for the re-interview of (b)(6), (b)(7)(C) and subsequent review of this case for prosecutorial merit.

ACTION

R.SWND: Case control transferred to SWND.
R.DIST: Provide results of outstanding tasks to SWND.

DISTRIBUTION

NCISHQ: 023B
ACTION: SWND/2GVQ/2GVD
INFO: SEGT/SEFO/JTF COMMAND (H)/JTF SJA (H)/NMC COMMAND (H)

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FAD-DNA

23 March 2012

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, NAVAL CRIMINAL
INVESTIGATIVE SERVICE, RESIDENT AGENCY GUANTANAMO BAY, CUBA,
PSC 1005 BOX 42, FPO AE, 09593

SUBJECT: DNA Branch - Final Report
USACIL Case Number: 2012-CID131-0121
Submitter Case Number: 07DEC11-SEGT-0055-8DNA

EXHIBITS:

- 1 - Buccal swabs of (b)(6), (b)(7)(C) ECD: 046-11, Item#: A.
- 2 - Shirt of (b)(6), (b)(7)(C) ECD: 048-11, Item#: A.
- 3 - Boxer briefs of (b)(6), (b)(7)(C) ECD: 048-11, Item#: B.
- 4 - Towel from scene, ECD: 048-11, Item#: C.
- 5 - Sheets and pillowcases from scene, ECD: 048-11, Item#: D.
- 6 - Buccal swabs of (b)(6), (b)(7)(C) ECD: 049-11, Item#: A.

RESULTS OF EXAMINATION:

Unless otherwise indicated, the exhibits were examined and the analysis results are provided below. The results contain the findings and opinions of the examiner.

1. Semen was identified on the boxer briefs of (b)(6), (b)(7)(C)
2. No examinations were performed on Exhibits 2, 4 or 5.
3. DNA (deoxyribonucleic acid) was extracted from the following exhibits: boxer briefs (buttocks, inner and outer crotch and the waist band) and buccal swabs of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)
4. DNA profiles were obtained using PCR (polymerase chain reaction) technology on fifteen STR (short tandem repeat) loci and a gender identification locus from the Applied Biosystems Identifiler kit.
5. The DNA profile obtained from the boxer briefs (buttocks and inner crotch areas) matches the DNA profile from (b)(6), (b)(7)(C). Additional genetic data was detected at two locations but cannot be conclusively interpreted.
6. A mixture of DNA profiles from at least two individuals was obtained from the boxer briefs (outer crotch and waist band areas).

- A. The major contributor to this mixture matches the DNA profile from (b)(6), (b)(7)(C)

(b)(6),
(b)(7)(C)

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Page 1 of 2

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EXHIBIT (25)

CILA-FAD-DNA

23 March 2012

SUBJECT: DNA Branch - Final Report
USACIL Case Number: 2012-CID131-0121
Submitter Case Number: 07DEC11-SEGT-0055-8DNA

B. There is additional genetic data detected in this mixture that may be compared to other potential contributors when suitable standards for comparison are submitted to this laboratory.

C. (b)(6), (b)(7)(C) is excluded as a contributor to the mixture detected.

7. The above listed exhibits will be returned to the submitting agency upon the completion of laboratory testing.

Point of Contact: (b)(6), (b)(7)(C) @us.army.mil,

CM (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Forensic DNA Examiner

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

17APR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISFO San Diego CA CASE FILE: (b)(6), (b)(7)(C) /CCN:
07OCT08-SWXP-0107-8FNA/C

NARRATIVE

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends, including an acquaintance, (b)(6), (b)(7)(C) were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) reportedly awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still sodomizing him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300.
2. (b)(6), (b)(7)(C) was interviewed and reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated consensual intimacy including kissing and oral sex. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) subsequently had consensual anal sex after (b)(6), (b)(7)(C) reportedly stated, "Baby, I want you to cum in me." After intercourse, (b)(6), (b)(7)(C) verbally threatened (b)(6), (b)(7)(C) banged his head against the wall and twisted his left arm. (b)(6), (b)(7)(C) also acknowledged a previous allegation noted in Reference A. Other witnesses were interviewed who reported (b)(6), (b)(7)(C) told them (b)(6), (b)(7)(C) threatened him after they had sex.
3. During his interview, (b)(6), (b)(7)(C) consented to be interviewed by alternative means for exculpatory evidence. Reporting Agent (RA) subsequently contacted SSA (b)(6), (b)(7)(C) NCISPS Marine Corps West, who advised RA to request a polygraph examination of (b)(6), (b)(7)(C) based on

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17APR12

SUBJ: (b)(6), (b)(7)(C) SH3 USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

investigative evidence.

4. (b)(6), (b)(7)(C) has transferred from Guantanamo Bay, Cuba and is currently assigned to the Naval Medical Center, San Diego, CA. This case will be transferred accordingly.
5. (b)(6), (b)(7)(C) was contacted on 16Apr12 and reaffirmed he is ready to undergo polygraph testing. (b)(6), (b)(7)(C) contact cell phone number is (b)(6), (b)(7)(C) and his work number is (b)(6), (b)(7)(C)

ACTION

R.2GVQ: Request approval to administer a polygraph examination to (b)(6), (b)(7)(C). Contact SA (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C)@ncis.navy.mil upon receipt of this lead if further supporting documentation is necessary for the re-interview.

2GVD: In the case a polygraph examination is approved and conducted, please report results to SWND upon case transfer.

DISTRIBUTION

NCISHQ: 023B

ACTION: 2GVQ/2GVD

INFO: SWND/SEFO/SEGT

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PAGE 2 LAST (b)(6), (b)(7)(C) V2 LNN

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From: fox@noms-a.ncis.navy.mil
Sent: Thursday, March 22, 2012 3:03 PM
To: NCIS_SEFO_MPGT@navy.mil
Subject: 20814324RG.doc (b)(6), (b)(7)(C) HN USN

376091 15:02 20120322 IN:SSDEMAIL #90990 OUT:NCIS-SEGT #315

REPORT OF INVESTIGATION (ACTION)

21MAR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/CNGL/GREAT LAKES IL (b)(6), (b)(7)(C) SUPERVISORY SPECIAL AGENT

REFERENCE

(A) SEGT ROI(INTERIM)/06MAR12

NARRATIVE

1. CNGL is in receipt of Reference (A) advising of transfer of this investigation from SEGT to CNGL. Subsequent to submission of Reference (A), coordination was made with SSA (b)(6), (b)(7)(C) SEJX, and it was determined that the alleged offender, SH3 (b)(6), (b)(7)(C) USN, is not in the area of responsibility of CNGL. It was determined that it would be more appropriate to transfer this investigation to the NCIS office with geographic responsibility for the location of the alleged offender, SH3 (b)(6), (b)(7)(C) USN.

ACTION

SEGT: Please transfer this investigation to the NCIS office with geographic responsibility for the location of the alleged offender SH3 (b)(6), (b)(7)(C) USN.

DISTRIBUTION

NCISHQ: 0023
ACTION: SEGT
INFO: CNFO/SEFO/CNGL

//023B/SEGT/SEFO/SWND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CHANGE)

26MAR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISRA Guantanamo Bay Cuba ROI (OPEN)/09DEC11
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19JAN12 (Contains Exhibits 1-21)
- (C) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/06MAR12 (Contains Exhibits 22-24)

NARRATIVE

1. Subsequent to the submission of References (A) through (C), (b)(6), (b)(7)(C) has been identified as a subject in this investigation.

ACTION

DIST: Please note change in case title, and identification of (b)(6), (b)(7)(C) as a subject in this investigation. Please make any necessary updates to appropriate databases.

DISTRIBUTION

NCISHQ: 023B

ACTION: DIST

INFO: SEFO/SEGT/SWND

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

12MAR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SWND/SAN DIEGO CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19Jan12
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/06Mar12
- (C) NCIS GEN ADMIN 11C-0032/06Sep11

NARRATIVE

1. Pursuant to Reference (A), on 14Feb12, Reporting Agent (RA) briefed and provided a ROI (INTERIM) to CAPT (b)(6), (b)(7)(C) USN, Naval Medical Center San Diego, CA. Pursuant to Reference (C), (b)(6), (b)(7)(C) Service Record Book (SRB) was not obtained as it is available online via the Electronic Military Personnel Records System.

2. Lead tasking complete.

DISTRIBUTION

NCISHQ: 023B

INFO: SWND/CNGL/SEGT/SEMP

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PAGE 1 LAST

(b)(6), (b)(7)(C)

V2 LNN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

06MAR12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA/T

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO San Diego CA CASE FILE: (b)(6), (b)(7)(C) CCN:
07OCT08-SWXP-0107-8FNA/C
- (B) NCISRA Guantanamo Bay Cuba ROI (INTERIM)/19JAN12 (Contains
Exhibits 1-21)

EXHIBITS

- (22) IA: Results of Medical Records/20JAN12...(Copy All)
- (23) IA: Results of Mental Health Records/20JAN12...(Copy All)
- (24) IA: Results of Interview with SSG (b)(6), (b)(7)(C),
USA/01FEB12...(Copy All)

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, SH3 (b)(6), (b)(7)(C) USN, Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still sodomizing him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. A crime scene examination was conducted, including photographs, and several items of evidence were seized. Several witness interviews were conducted and reported (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both intoxicated and argued prior to the incident. MSGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USAF, reported he was the last person to leave (b)(6), (b)(7)(C) room when both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were arguing and did not witness them become intimate at any time before he left. (b)(6), (b)(7)(C) was interviewed and reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated consensual intimacy including kissing and oral sex. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) subsequently had consensual anal

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SUBJ: (b)(6), (b)(7)(C) /HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

sex after (b)(6), (b)(7)(C) reportedly stated, "Baby I want you to cum in me." After intercourse, (b)(6), (b)(7)(C) verbally threatened (b)(6), (b)(7)(C) banged his head against the wall and twisted his left arm. (b)(6), (b)(7)(C) also acknowledged a previous allegation noted in Reference A. Other witnesses were interviewed who reported (b)(6), (b)(7)(C) told them (b)(6), (b)(7)(C) threatened him after they had sex. (b)(6), (b)(7)(C) was re-interviewed and acknowledged it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. Several items of evidence were sent to the US Army Criminal Investigation Laboratory (USACIL) for examination. This investigation is pending the results of the laboratory examination and a re-interview of (b)(6), (b)(7)(C)

NARRATIVE

1. This reactive investigation pertains to the suspected violation of Article 125 (Sodomy) and Article 120 (Rape, Indecent Assault) of the Uniformed Code of Military Justice (UCMJ).
2. Subsequent to reference (B), on 20Jan12, (b)(6), (b)(7)(C) medical records were obtained. These are included in exhibit (22).
3. On 20Jan12, (b)(6), (b)(7)(C) mental health records were obtained. These are included in exhibit (23).
4. On 31Jan12, SSG (b)(6), (b)(7)(C), USA, was interviewed regarding his knowledge of events on the night of 02Dec11. (b)(6), (b)(7)(C) reported he did not participate in any social events that evening because he was working. (b)(6), (b)(7)(C) recalled walking into (b)(6), (b)(7)(C) room the following morning and (b)(6), (b)(7)(C) was still sleeping. Exhibit (24) contains details.
5. On 03Mar12, (b)(6), (b)(7)(C) departed Naval Station, Guantanamo Bay, Cuba, in route to his home Command in Great Lakes, IL. This case is being permanently transferred to NCISRA Great Lakes, IL.
6. This investigation is pending the receipt of (b)(6), (b)(7)(C) Enlisted Service Record (ESR), results of the USACIL laboratory results and a re-interview of (b)(6), (b)(7)(C)

ACTION

R.CNGL: Case control transferred to CNGL.
R.DIST: Provide results of outstanding tasks to CNGL.

DISTRIBUTION

NCISHQ: 023B
ACTION: CNGL/SWND
INFO: SEGT/SEFO/CNFO/JTF Command (H)/JTF SJA (H)/NMC (H)

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//23B/SEFO/GT/SWND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

20JAN12

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF MEDICAL RECORDS

1. This investigation was initiated after (b)(6), (b)(7)(C) reported he was sexually assaulted at approximately 0300 on 03Dec11. (b)(6), (b)(7)(C) obtained medical treatment several days later on 07Dec11.

2. On 12Jan12, (b)(6), (b)(7)(C) released his medical records relevant to this investigation. On 20Jan12, Reporting Agent (RA) retrieved the records from the Joint Task Force Health Clinic. Enclosures (A) and (B) pertain.

ENCLOSURES

(A) Authorization for Disclosure of Medical or Dental Information/12Jan12

(B) Medical Records of (b)(6), (b)(7)(C) /07Dec11

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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WITHOUT SPECIFIC AUTHORIZATION FROM THE

EXHIBIT (22)

AUTHORIZATION FOR DISCLOSURE OF MEDICAL OR DENTAL INFORMATION

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), the notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: Public Law 104-191; E.O. 9397 (SSAN); DoD 6025.18-R.

PRINCIPAL PURPOSE(S): This form is to provide the Military Treatment Facility/Dental Treatment Facility/TRICARE Health Plan with a means to request the use and/or disclosure of an individual's protected health information.

ROUTINE USE(S): To any third party or the individual upon authorization for the disclosure from the individual for: personal use; insurance; continued medical care; school; legal; retirement/separation; or other reasons.

DISCLOSURE: Voluntary. Failure to sign the authorization form will result in the non-release of the protected health information.

This form will not be used for the authorization to disclose alcohol or drug abuse patient information from medical records or for authorization to disclose information from records of an alcohol or drug abuse treatment program. In addition, any use as an authorization to use or disclose psychotherapy notes may not be combined with another authorization except one to use or disclose psychotherapy notes.

SECTION I - PATIENT DATA

1. NAME (Last, First, Middle Initial) (b)(6), (b)(7)(C)	2. DATE OF BIRTH (YYYYMMDD)	3. SOCIAL SECURITY NUMBER
4. PERIOD OF TREATMENT: FROM - TO (YYYYMMDD) 2011101		
5. TYPE OF TREATMENT (X one) <input type="checkbox"/> OUTPATIENT <input type="checkbox"/> INPATIENT <input checked="" type="checkbox"/> BOTH		

SECTION II - DISCLOSURE

6. I AUTHORIZE <u>NAVAL HOSPITAL</u> TO RELEASE MY PATIENT INFORMATION TO:	
<small>(Name of Facility/TRICARE Health Plan)</small>	
a. NAME OF PHYSICIAN, FACILITY, OR TRICARE HEALTH PLAN NCISRA Guantanamo Bay, Cuba	b. ADDRESS (Street, City, State and ZIP Code) PSC 1005 Box 42, FPO, AE 09593
c. TELEPHONE (Include Area Code) (b)(6), (b)(7)(C)	d. FAX (Include Area Code)
7. REASON FOR REQUEST/USE OF MEDICAL INFORMATION (X as applicable) <input type="checkbox"/> PERSONAL USE <input type="checkbox"/> CONTINUED MEDICAL CARE <input type="checkbox"/> SCHOOL <input checked="" type="checkbox"/> OTHER (Specify) <input type="checkbox"/> INSURANCE <input type="checkbox"/> RETIREMENT/SEPARATION <input type="checkbox"/> LEGAL	
8. INFORMATION TO BE RELEASED Medical Records	
9. AUTHORIZATION START DATE (YYYYMMDD) 20120112	10. AUTHORIZATION EXPIRATION <input checked="" type="checkbox"/> DATE (YYYYMMDD) 20130112 <input type="checkbox"/> ACTION COMPLETED

SECTION III - RELEASE AUTHORIZATION

I understand that:

- a. I have the right to revoke this authorization at any time. My revocation must be in writing and provided to the facility where my medical records are kept or to the TMA Privacy Officer if this is an authorization for information possessed by the TRICARE Health Plan rather than an MTF or DTF. I am aware that if I later revoke this authorization, the person(s) I herein name will have used and/or disclosed my protected information on the basis of this authorization.
 - b. If I authorize my protected health information to be disclosed to someone who is not required to comply with federal privacy protection regulations, then such information may be re-disclosed and would no longer be protected.
 - c. I have a right to inspect and receive a copy of my own protected health information to be used or disclosed, in accordance with the requirements of the federal privacy protection regulations found in the Privacy Act and 45 CFR §164.524.
 - d. The Military Health System (which includes the TRICARE Health Plan) may not condition treatment in MTFs/DTFs, payment by the TRICARE Health Plan, enrollment in the TRICARE Health Plan or eligibility for TRICARE Health Plan benefits on failure to obtain this authorization.
- I request and authorize the named provider/treatment facility/TRICARE Health Plan to release the information described above to the named individual/organization indicated.

11. SIGNATURE OF PATIENT/PARENT/LEGAL REPRESENTATIVE (b)(6), (b)(7)(C)	12. RELATIONSHIP TO PATIENT (If applicable)	13. DATE (YYYYMMDD) 20120112
<small>USE ONLY (To be completed only upon receipt of written revocation)</small>		
14. X IF APPLICABLE: <input type="checkbox"/> AUTHORIZATION REVOKED	15. REVOCATION COMPLETED BY	16. DATE (YYYYMMDD)
17. IMPRINT OF PATIENT IDENTIFICATION PLATE WHEN AVAILABLE		
SPONSOR NAME: SPONSOR RANK: FMP/SPONSOR SSN: BRANCH OF SERVICE: PHONE NUMBER:		

Pages 58 through 59 redacted for the following reasons:

Enclosure (B) to Exhibit (22) is withheld (b)(6), (b)(7)(C)

//23B/GT/SEFO/SWND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

20JAN12

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF MENTAL HEALTH RECORDS

1. This investigation was initiated after (b)(6), (b)(7)(C) reported he was sexually assaulted at approximately 0300 on 03Dec11. (b)(6), (b)(7)(C) obtained mental health treatment several days later.

2. On 13Jan12, (b)(6), (b)(7)(C) released his mental health records relevant to this investigation by signing the Authorization for Disclosure of Medical or Dental Information, included as enclosure (A). On 20Jan12, Reporting Agent (RA) retrieved the records from the JSMART/Combat Stress Control Unit. These are included as enclosure (B).

ENCLOSURES

- (A) Authorization For Disclosure of Medical or Dental Information/13Jan12
- (B) Mental Health Records of (b)(6), (b)(7)(C) 5Dec11

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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PAGE 1 / LAST (b)(6), (b)(7)(C) V2 LNY

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AUTHORIZATION FOR DISCLOSURE OF MEDICAL OR DENTAL INFORMATION

PRIVACY ACT STATEMENT

In accordance with the Privacy Act of 1974 (Public Law 93-579), the notice informs you of the purpose of the form and how it will be used. Please read it carefully.

AUTHORITY: Public Law 104-191; E.O. 9397 (SSAN); DoD 6025.18-R.

PRINCIPAL PURPOSE(S): This form is to provide the Military Treatment Facility/Dental Treatment Facility/TRICARE Health Plan with a means to request the use and/or disclosure of an individual's protected health information.

ROUTINE USE(S): To any third party or the individual upon authorization for the disclosure from the individual for: personal use; insurance; continued medical care; school; legal; retirement/separation; or other reasons.

DISCLOSURE: Voluntary. Failure to sign the authorization form will result in the non-release of the protected health information.

This form will not be used for the authorization to disclose alcohol or drug abuse patient information from medical records or for authorization to disclose information from records of an alcohol or drug abuse treatment program. In addition, any use as an authorization to use or disclose psychotherapy notes may not be combined with another authorization except one to use or disclose psychotherapy notes.

SECTION I - PATIENT DATA

1. NAME (Last, First, Middle Initial) (b)(6), (b)(7)(C)	2. DATE OF BIRTH (YYYYMMDD)	3. SOCIAL SECURITY NUMBER
4. PERIOD OF TREATMENT: FROM - TO (YYYYMMDD) 11/01 - 2011/12/31		5. TYPE OF TREATMENT (X one) <input checked="" type="checkbox"/> OUTPATIENT <input type="checkbox"/> INPATIENT <input type="checkbox"/> BOTH

SECTION II - DISCLOSURE

6. I AUTHORIZE (b)(6), (b)(7)(C) TO RELEASE MY PATIENT INFORMATION TO:	
(Name of Facility/TRICARE Health Plan)	
a. NAME OF PHYSICIAN, FACILITY, OR TRICARE HEALTH PLAN SA (b)(6), (b)(7)(C)	b. ADDRESS (Street, City, State and ZIP Code) GTMO
c. TELEPHONE (Include Area Code)	d. FAX (Include Area Code)
7. REASON FOR REQUEST/USE OF MEDICAL INFORMATION (X as applicable) <input type="checkbox"/> PERSONAL USE <input type="checkbox"/> CONTINUED MEDICAL CARE <input type="checkbox"/> SCHOOL <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> INSURANCE <input type="checkbox"/> RETIREMENT/SEPARATION <input checked="" type="checkbox"/> LEGAL	

8. INFORMATION TO BE RELEASED

Mental Health records

9. AUTHORIZATION START DATE (YYYYMMDD) 2012/13/01	10. AUTHORIZATION EXPIRATION DATE (YYYYMMDD)	<input checked="" type="checkbox"/> ACTION COMPLETED
--	---	--

SECTION III - RELEASE AUTHORIZATION

I understand that:

- I have the right to revoke this authorization at any time. My revocation must be in writing and provided to the facility where my medical records are kept or to the TMA Privacy Officer if this is an authorization for information possessed by the TRICARE Health Plan rather than an MTF or DTF. I am aware that if I later revoke this authorization, the person(s) I herein name will have used and/or disclosed my protected information on the basis of this authorization.
- If I authorize my protected health information to be disclosed to someone who is not required to comply with federal privacy protection regulations, then such information may be re-disclosed and would no longer be protected.
- I have a right to inspect and receive a copy of my own protected health information to be used or disclosed, in accordance with the requirements of the federal privacy protection regulations found in the Privacy Act and 45 CFR § 164.524.
- The Military Health System (which includes the TRICARE Health Plan) may not condition treatment in MTFs/DTFs, payment by the TRICARE Health Plan, enrollment in the TRICARE Health Plan or eligibility for TRICARE Health Plan benefits on failure to obtain this authorization.

I request and authorize the named provider/treatment facility/TRICARE Health Plan to release the information described above to the named individual/organization indicated.

11. SIGNATURE OF PATIENT/PARENT/LEGAL REPRESENTATIVE (b)(6), (b)(7)(C)	12. RELATIONSHIP TO PATIENT (If applicable) self	13. DATE (YYYYMMDD) 2012/01/13
---	--	-----------------------------------

SECTION IV - FOR STAFF USE ONLY (To be completed only upon receipt of written revocation)

14. X IF APPLICABLE: <input type="checkbox"/> AUTHORIZATION REVOKED	15. REVOCATION COMPLETED BY	16. DATE (YYYYMMDD)
17. IMPRINT OF PATIENT IDENTIFICATION PLATE WHEN AVAILABLE		SPONSOR NAME: SPONSOR RANK: FMP/SPONSOR SSN: BRANCH OF SERVICE: PHONE NUMBER:

records request
Fulfilled
on 20 JAN 2012

(b)(6),
(b)(7)(C)

Pages 62 through 70 redacted for the following reasons:

Enclosure (B) to Exhibit (23) is withheld (b)(6), (b)(7)(C)

//23B/GT/SEFO/SWND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

01FEB12

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH SSG (b)(6), (b)(7)(C), USA

1. This investigation was initiated on 07Dec11, after (b)(6), (b)(7)(C) reported he was sexually assaulted by SH3 (b)(6), (b)(7)(C) USN, at approximately 0300, in the morning on 03Dec11. (b)(6), (b)(7)(C) provided a sworn statement during which he reported SSG (b)(6), (b)(7)(C), USA, was the first to see him when he woke up on 03Dec11. (b)(6), (b)(7)(C) was interviewed on 31Jan12 regarding any knowledge he had of the incident.

2. (b)(6), (b)(7)(C) reported he was not out on the patio on the night of the incident. (b)(6), (b)(7)(C) stated he was the "Saferide," driver that evening and was out driving during most of the night. When he came in for the evening, he saw (b)(6), (b)(7)(C) and others on the patio but went to his room and to bed.

3. The following day, 03Dec11, (b)(6), (b)(7)(C) went to eat lunch around 1300 and saw (b)(6), (b)(7)(C) door slightly open. (b)(6), (b)(7)(C) stated he poked his head into (b)(6), (b)(7)(C) room. (b)(6), (b)(7)(C) stated he was "still sleeping." (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) was fully under the covers and no one else was in the room with him. (b)(6), (b)(7)(C) did not appear upset but seemed a little awkward. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) could have been hung over.

4. (b)(6), (b)(7)(C) reported he did not hear about what happened until several days later when (b)(6), (b)(7)(C) told him he didn't drink anymore. (b)(6), (b)(7)(C) asked him why. (b)(6), (b)(7)(C) reported he was in an "alcohol related incident." (b)(6), (b)(7)(C) told him he got drunk, passed out and a "dude got on him." (b)(6), (b)(7)(C) only remembered flashes of what happened. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) he was raped. (b)(6), (b)(7)(C) reportedly stated, "even if I didn't say 'no,' I was still drunk."

5. (b)(6), (b)(7)(C) had no further information.

BIOGRAPHICAL DATA

EMPLOYMENT: SSG USA (ACTIVATED ARMY NATIONAL GUARD)

SSN: (b)(6), (b)(7)(C)

DOB: (b)(6), (b)(7)(C)

POB: (b)(6), (b)(7)(C)

RESIDENCE: (b)(6), (b)(7)(C)

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WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVY

SUBJ: (b)(6), (b)(7)(C) HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

OTHER: PHONE (b)(6), (b)(7)(C)

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA~~FOR OFFICIAL USE ONLY~~

PAGE 2 LAST

(b)(6),
(b)(7)(C)

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//23B/GT/SEFO/SWND//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

19JAN12

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA (b)(6), (b)(7)(C), SPECIAL AGENT

REFERENCE

(A) NCISFO San Diego CA CASE FILE: (b)(6), (b)(7)(C) CCN:
07OCT08-SWXP-0107-8FNA/C

EXHIBITS

- (1) IA: Results of Contact with (b)(6), (b)(7)(C) 07DEC11...(Copy All)
- (2) IA: Results of Interview with (b)(6), (b)(7)(C) 07DEC11...(Copy All)
- (3) Personal Statement of (b)(6), (b)(7)(C) 08DEC11...(Copy All)
- (4) Sworn Statement of (b)(6), (b)(7)(C) 08DEC11...(Copy All)
- (5) IA: Results of Crime Scene Examination/15DEC11...(Copy All)
- (6) IA: Results of Evidence Collection from (b)(6), (b)(7)(C) 08DEC11...(Copy All)
- (7) Sworn Statement of MSGT (b)(6), (b)(7)(C) USAF/08DEC11...(Copy All)
- (8) Sworn Statement of MT2 (b)(6), (b)(7)(C), USN/08DEC11...(Copy All)
- (9) Sworn Statement of MA2 (b)(6), (b)(7)(C), USN/09DEC11...(Copy All)
- (10) Military Suspect's Acknowledgement and Waiver of Rights/09DEC11
- (11) Sworn Statement of SH3 (b)(6), (b)(7)(C) USN/09DEC11...(Copy All)
- (12) IA: Results of Criminal History Checks/09DEC11...(Copy All)
- (13) Sworn Statement of YN2 (b)(6), (b)(7)(C), USN/12DEC11...(Copy All)
- (14) Sworn Statement of BM3 (b)(6), (b)(7)(C), USN/12DEC11...(Copy All)
- (15) IA: Results of Interview with YN (b)(6), (b)(7)(C) USN/14DEC11...(Copy All)
- (16) IA: Results of Interview with MA3 (b)(6), (b)(7)(C), USN/15DEC11...(Copy All)
- (17) Sworn Statement MA2 (b)(6), (b)(7)(C), USN/15DEC11...(Copy All)
- (18) IA: Results of Re-Interview with (b)(6), (b)(7)(C) 15DEC11...(Copy All)
- (19) IA: Results of Evidence Collection from (b)(6), (b)(7)(C) 16DEC11...(Copy All)
- (20) IA: Results of Interview with MSGT (b)(6), (b)(7)(C), USAF/06JAN12...(Copy All)
- (21) IA: Results of Interview with CPL (b)(6), (b)(7)(C), USA/06JAN12...(Copy All)

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19JAN12

SUBJ: (b)(6), (b)(7)(C) YHN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

EXECUTIVE SUMMARY

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night on the patio in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, SH3 (b)(6), (b)(7)(C) USN, Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) sodomizing him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still sodomizing him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. A crime scene examination was conducted, including photographs, and several items of evidence were seized. Several witness interviews were conducted and reported (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both intoxicated and argued prior to the incident. MSGT (b)(6), (b)(7)(C) USAF, reported he was the last person to leave (b)(6), (b)(7)(C) room when both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were arguing and did not witness them become intimate at any time before he left. (b)(6), (b)(7)(C) was interviewed and reported after he and (b)(6), (b)(7)(C) argued, he intended to leave, but (b)(6), (b)(7)(C) initiated consensual intimacy including kissing and oral sex. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) subsequently had consensual anal sex after (b)(6), (b)(7)(C) reportedly stated, "Baby I want you to cum in me." After intercourse, (b)(6), (b)(7)(C) verbally threatened (b)(6), (b)(7)(C) banged his head against the wall and twisted his left arm. Other witnesses were interviewed who reported (b)(6), (b)(7)(C) told them (b)(6), (b)(7)(C) threatened him after they had sex. (b)(6), (b)(7)(C) was re-interviewed and acknowledged it was possible he consented to intercourse with (b)(6), (b)(7)(C) but he could not remember. Several items of evidence were sent to the US Army Criminal Investigation Laboratory (USACIL) for examination. This investigation is pending receipt of medical and psychological records as well as the use of an investigative technical aide.

NARRATIVE

1. This reactive investigation pertains to the suspected violation of Article 125 (Sodomy) and Article 120 (Rape, Indecent Assault) of the Uniformed Code of Military Justice (UCMJ).

2. On 07Dec11, (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), notified NCISRA Guantanamo Bay, Cuba, of an alleged sexual assault committed at approximately 0300 on 03Dec11 at the Cuzco Barracks (b)(6), (b)(7)(C) Guantanamo Bay, Cuba. Reporting Agent (RA) responded to the Naval Hospital, Guantanamo Bay, Cuba, and spoke with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) stated he was drinking alcohol with a group of friends on the

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19JAN12

SUBJ: (b)(6), (b)(7)(C) /HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

night of 02Dec11, including an acquaintance, SH3 (b)(6), (b)(7)(C) USN. At some point, (b)(6), (b)(7)(C) blacked out and woke up to (b)(6), (b)(7)(C) sodomizing him in his bed. Exhibit (1) contains further details.

3. On 07Dec11, (b)(6), (b)(7)(C) was interviewed and provided an initial statement regarding the alleged assault that occurred during the early morning of 03Dec11. (b)(6), (b)(7)(C) reported he was drinking alcohol with friends on the night of 02Dec11, including (b)(6), (b)(7)(C) stated he knew (b)(6), (b)(7)(C) was attracted to him and (b)(6), (b)(7)(C) was gay. (b)(6), (b)(7)(C) reported he became intoxicated and blacked out at some point. (b)(6), (b)(7)(C) next recalled waking up in his bed naked, being sodomized by (b)(6), (b)(7)(C) stated he blacked out again and then remembered waking up to (b)(6), (b)(7)(C) still sodomizing him. (b)(6), (b)(7)(C) blacked out again and did not wake up until the following morning. Exhibits (2) and (3) contain details.

4. On 07Dec11, (b)(6), (b)(7)(C) consented to a search of his barracks room, Cuzco (b)(6), (b)(7)(C) and a crime scene examination was conducted. The examination consisted of a scene sketch, photographic documentation and evidence collection. Evidence seized includes (b)(6), (b)(7)(C) clothing from the night of the incident and (b)(6), (b)(7)(C) bedding. These items were placed into the NCISRA Guantanamo Bay, Cuba, evidence custody system under log #048-11. Additional details are contained in exhibit (4).

5. On 08Dec11, (b)(6), (b)(7)(C) was re-interviewed and provided a sworn statement regarding the alleged assault that occurred during the early morning of 03Dec11. (b)(6), (b)(7)(C) provided additional details regarding the incident and these are contained in exhibit (5).

6. On 08Dec11, (b)(6), (b)(7)(C) consented to the collection of two (2) buccal swabs for DNA analysis purposes. These were placed into the NCISRA Guantanamo Bay, Cuba, evidence custody system under log #047-11. Exhibit (6) contains details.

7. On 08Dec11, MSGT (b)(6), (b)(7)(C) USAF, was interviewed and provided a sworn statement regarding his knowledge of the alleged sexual assault on 03Dec11. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) were intoxicated and arguing when he left the patio area in front of (b)(6), (b)(7)(C) room. (b)(6), (b)(7)(C) did not witness any intimacy between (b)(6), (b)(7)(C) Exhibit (7) contains details.

8. On 08Dec11, MT2 (b)(6), (b)(7)(C), USN, was interviewed and provided a sworn statement regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported he did not attend the gathering in front of (b)(6), (b)(7)(C) room on 03Dec11, but explained he saw (b)(6), (b)(7)(C) at work the following day. (b)(6), (b)(7)(C) stated, "Friday night was the worst night of my life." (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) was withdrawn

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19JAN12

SUBJ: (b)(6), (b)(7)(C) /HN USN

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and distant, but did not tell him what happened. Exhibit (8) contains details.

9. On 09Dec11, MA2 (b)(6), (b)(7)(C), USN, was interviewed and provided a sworn statement regarding her knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C) reported she and several others were drinking alcohol and socializing on the patio in front of (b)(6), (b)(7)(C) room. The other people included (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USN. On 03Dec11, at around 1030, (b)(6), (b)(7)(C) reported she found (b)(6), (b)(7)(C) asleep in her room. Later in the day, (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) he had intercourse with (b)(6), (b)(7)(C) reported they had both penetrated each other, and (b)(6), (b)(7)(C) had ended it because it hurt, and (b)(6), (b)(7)(C) strong armed him and told him that if he ever tells anyone about what happened that he would be sorry." On 04Dec11, (b)(6), (b)(7)(C) left (b)(6), (b)(7)(C) a note (with her alcohol) which was, in part, addressed to (b)(6), (b)(7)(C) and read, "that he ruined his life and not to come within 1 mile of him or he would regret it." Exhibit (9) contains details.

10. On 09Dec11, SH3 (b)(6), (b)(7)(C), USN, was interviewed regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C) was advised of his Article 31b rights and provided a sworn statement. (b)(6), (b)(7)(C) reported on the night of 02Dec11, he went to the patio in front of (b)(6), (b)(7)(C) room after being at the Windjammer with several individuals. (b)(6), (b)(7)(C) stated the other individuals, after hanging out, left the patio, until it was just (b)(6), (b)(7)(C). They were arguing over another friend, (b)(6), (b)(7)(C) stated he had enough of the argument and was ready to leave and helped (b)(6), (b)(7)(C) put alcohol and other items away in his room. (b)(6), (b)(7)(C) turned on his tv and video game and signaled for (b)(6), (b)(7)(C) to come join him on the bed. (b)(6), (b)(7)(C) began kissing and (b)(6), (b)(7)(C) jumped off the bed and turned everything off including the tv. (b)(6), (b)(7)(C) reported he and (b)(6), (b)(7)(C) kissed and gave each other oral sex. (b)(6), (b)(7)(C) told him, "Baby I want you to come in me," over and over again. (b)(6), (b)(7)(C) reported he was on top of (b)(6), (b)(7)(C) and they began to have anal sex until (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) it hurt and told him to pull his penis away. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) then kicked him in the stomach such that he landed further away and against the wall. (b)(6), (b)(7)(C) rushed towards (b)(6), (b)(7)(C) twisted his left arm and banged his head against the wall saying, "This whole thing with your penis inside me and this relationship is over and if you tell anyone and come after me, I will have something big coming for you." Exhibits (10) and (11) contain details.

11. On 09Dec11, criminal history checks were completed on (b)(6), (b)(7)(C) During the checks, one former NCIS investigation (Reference A) involving (b)(6), (b)(7)(C) was identified. All other inquiries were

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SUBJ: (b)(6), (b)(7)(C) HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

negative. Exhibit (12) contains details.

12. On 09Dec11, CDR (b)(6), (b)(7)(C) USN, Commanding Officer, Navy Expeditionary Guard Battalion, was briefed on the status of this investigation.

13. On 09Dec11, Military Protective Orders (MPOs) were issued for (b)(6), (b)(7)(C)

14. On 12Dec11, YN2 (b)(6), (b)(7)(C) USN, was interviewed regarding her knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated she spoke with (b)(6), (b)(7)(C) on 03Dec11 and (b)(6), (b)(7)(C) reported he had the "worst sexual experience last night." (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) he was on top and "for some reason he couldn't cum." (b)(6), (b)(7)(C) reported he was in the middle of sex and the guy kicked him off and bent his arm behind his back. (b)(6), (b)(7)(C) stated he was scared. (b)(6), (b)(7)(C) also reported she saw the note (b)(6), (b)(7)(C) left on 04Dec11, at (b)(6), (b)(7)(C) residence, for (b)(6), (b)(7)(C). Exhibit (13) contains details.

15. On 12Dec11, BM3 (b)(6), (b)(7)(C) USN, was interviewed regarding her knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated she is very close to (b)(6), (b)(7)(C) and he is a good friend. (b)(6), (b)(7)(C) reported on 03Dec11, in the morning, (b)(6), (b)(7)(C) came to her and (b)(6), (b)(7)(C) and told them he had a bad experience with sex the night before. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) when he started penetrating (b)(6), (b)(7)(C), he felt weird because he could not ejaculate. (b)(6), (b)(7)(C) was trying to help by making gestures but nothing was working. All of a sudden, (b)(6), (b)(7)(C) kicked him off into the wall, jumped up and twisted his arm behind his back so he was facing the wall. (b)(6), (b)(7)(C) reportedly said something like, "that if this gets out and he comes at him with something big then he will come back with something bigger." Exhibit (14) contains details.

16. On 14Dec11, YN (b)(6), (b)(7)(C) USN, was interviewed regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported during the early morning of 03Dec11, he was on the patio with (b)(6), (b)(7)(C) and others. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both intoxicated when he left around 0315. (b)(6), (b)(7)(C) did not witness any intimate activity between (b)(6), (b)(7)(C). Exhibit (15) contains details.

17. On 15Dec11, MA3 (b)(6), (b)(7)(C) USN, was interviewed regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported during the early morning of 03Dec11, he was on the patio with (b)(6), (b)(7)(C) and others. (b)(6), (b)(7)(C) stated he left around 0300 in the morning and everyone was still on the patio. At no time did he witness (b)(6), (b)(7)(C) passed out. Exhibit (16) contains

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19JAN12

SUBJ: (b)(6), (b)(7)(C) /HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

details.

18. On 15Dec11, MA2 (b)(6), (b)(7)(C), USN, was interviewed regarding her knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported on 04Dec11, she was hanging out with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) when they decided to go see (b)(6), (b)(7)(C). When they went to (b)(6), (b)(7)(C) room, they found a bag with several bottles of alcohol as well as a note on the door. The first part of the note said, "To [redacted] I didn't feel right pouring your alcohol out but just to let you know I won't be at your party." The second part of the note said, "To [redacted] You ruined my life I won't be anywhere near your party, stay away from me don't come near me." (b)(6), (b)(7)(C) stated the note had a [redacted] at the bottom where a signature might be. Exhibit (17) contains details.

19. On 15Dec11, (b)(6), (b)(7)(C) was re-interviewed regarding his report he was sexually assaulted by [redacted] on 03Dec11. (b)(6), (b)(7)(C) recounted the evening of 02Dec11 and reaffirmed that he could not remember how he came to be in his bed. (b)(6), (b)(7)(C) stated he woke up with sodomizing him. (b)(6), (b)(7)(C) did acknowledge it was possible he consented but he could not remember. (b)(6), (b)(7)(C) denied he remembered any further details beyond his initial statement. Exhibit (18) contains details.

20. On 16Dec11, [redacted] consented to the collection of two (2) buccal swabs for DNA analysis purposes. These were placed into the NCISRA Guantanamo Bay, Cuba, evidence custody system under log #049-11. Exhibit (19) contains details.

21. On 05Jan12, several items of evidence were mailed to the US Army Criminal Investigation Laboratory (USACIL). These items were sent via registered mail #RC015-638-868US.

22. On 05Jan12, MSGT (b)(6), (b)(7)(C), USAF, was interviewed regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported during the early morning of 03Dec11, (b)(6), (b)(7)(C) and his friends were talking loudly, laughing loudly and had music playing on the patio area. (b)(6), (b)(7)(C) reported he came outside and told them to be quiet and had done this on several occasions. Exhibit (20) contains details.

23. On 06Jan12, CPL (b)(6), (b)(7)(C), USA, was interviewed regarding his knowledge of events surrounding the alleged assault of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) reported he did not hang out on the patio during the early morning of 03Dec11, but he did hear (b)(6), (b)(7)(C) TV and video games increase significantly in volume around 0400 or 0430. Later, the TV and video were turned off and (b)(6), (b)(7)(C) heard noises he associated with sexual or intimate activity. (b)(6), (b)(7)(C) did not hear any yelling, screaming or saying, "No!" Exhibit (21) contains details.

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19JAN12

SUBJ: (b)(6), (b)(7)(C) HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

24. On 08Jan12, (b)(6), (b)(7)(C) left Guantanamo Bay, Cuba, (JTF-GTMO) and returned to his parent command at the Naval Medical Center, San Diego, CA.

25. This investigation is pending receipt of medical and psychological records as well as the possible use of an investigative technical aide. It is also pending results from USACIL.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Special Agent, NCISRA Guantanamo Bay, Cuba
Special Agent, NCISRA Guantanamo Bay, Cuba

ACTION

R.SWND: (Attn: SA (b)(6), (b)(7)(C) Please provide a brief and a copy of captioned investigation as well as a copy of reference (A) to (b)(6), (b)(7)(C) parent command at the Naval Medical Center, 34800 Bob Wilson Dr. Suite 1800, San Diego, CA. Additionally, obtain a copy of his enlisted service record (ESR) if possible. Contact SA (b)(6), (b)(7)(C) via email at (b)(6), (b)(7)(C) ncis.navy.mil for any further required details.

DISTRIBUTION

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ACTION: SWND

INFO: SEFO/SEGT/JTF Command (H)/JTF SJA (H)/NMC Command (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF CONTACT WITH (b)(6), (b)(7)(C)

1. On 07Dec11, (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), notified NCISRA Guantanamo Bay, Cuba, of an alleged sexual assault committed at approximately 0300 on 03Dec11 at the Cuzco Barracks (b)(6), (b)(7)(C) Guantanamo Bay, Cuba. Reporting Agent (RA) responded to the Naval Hospital, Guantanamo Bay, Cuba, where (b)(6), (b)(7)(C) was being treated. (b)(6), (b)(7)(C) briefly described what (b)(6), (b)(7)(C) stated occurred on 02Dec11 and 03Dec11.

2. (b)(6), (b)(7)(C) was reportedly drinking with a group of friends, including an acquaintance, SH3 (b)(6), (b)(7)(C) USN, on the evening of 02Dec11. (b)(6), (b)(7)(C) reportedly stated (b)(6), (b)(7)(C) bought him alcoholic drinks and at some point, he had so much that (b)(6), (b)(7)(C) blacked out. (b)(6), (b)(7)(C) woke up to (b)(6), (b)(7)(C) sodomizing him on his bed.

3. (b)(6), (b)(7)(C) had no further details.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH (b)(6), (b)(7)(C)

1. This investigation was initiated after (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), reported (b)(6), (b)(7)(C) reported he was indecently assaulted by SH3 (b)(6), (b)(7)(C) USN, at approximately 0300 in the morning on 03Dec11. Reporting Agent (RA) responded to the Naval Station Hospital at 1616 on 07Dec11 and took an initial report from (b)(6), (b)(7)(C) regarding the incident.

2. (b)(6), (b)(7)(C) reported on Friday, 02Dec11, he was drinking alcohol with a group of friends outside his Cuzco barracks, (b)(6), (b)(7)(C) Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) reported he had previously met up with these friends at a BBQ and at the Windjammer. Among the friends, was an acquaintance, SH3 (b)(6), (b)(7)(C) had expressed his attraction to (b)(6), (b)(7)(C) to (b)(6), (b)(7)(C) friend, so (b)(6), (b)(7)(C) knew (b)(6), (b)(7)(C) was gay.

3. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) bought him alcoholic drinks and so had others. (b)(6), (b)(7)(C) said he was very drunk and at some point, while on the patio, he blacked out and did not remember what happened.

4. (b)(6), (b)(7)(C) reported he next recalled waking up in his bed naked, being sodomized by (b)(6), (b)(7)(C)

5. (b)(6), (b)(7)(C) was provided with a Victim/Witness Pamphlet at 1751.

6. (b)(6), (b)(7)(C) provided a personal written statement. (b)(6), (b)(7)(C) related he wanted to go to work at 1700 but would come to provide an additional statement the following morning.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNN

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On 02dec2011 at 1200 I (b)(6), (b)(7)(C) went to the gold hill galley to eat and sat on the far side and was called over to the middle of the galley by (b)(6), (b)(7)(C) I sat and ate lunch with them when I got invited to go out with them that night I was also invited to a party on 09Dec2011. That night at approximately 2000 I walked over to J block of the cuzcos where (b)(6), (b)(7)(C) and a large group of people were having a cook out immediately (b)(6), (b)(7)(C) gave me a drink of sprite vodka and madory that she had been drinking. As the night continued I played spades with her and she gave me two more drinks before everyone else left and left a group of around 6 of us who around 2300 we walked to the Windjammer when we got there we found a table outside after I bought myself a southern comfort and coke I was bought another by (b)(6), (b)(7)(C) I did not think anything of it because he also bought one for two other people in the group, including (b)(6), (b)(7)(C) About an hour later I was bought another one this time by (b)(6), (b)(7)(C) as well as a few other people in the group. We wound up leaving the Windjammer around 0200 on the walk back (b)(6), (b)(7)(C) and I talked about how we were all still sober so I invited them back to my block when we got there two other people from the group had left leaving myself, (b)(6), (b)(7)(C) and one other guy I had never met. As we sat outside of my room listening to music and playing cards a Master sergeant that lives next to me came out to tell us to be quiet so I turned the music down just after that another master sergeant that lives across and three doors down came out and stayed and (b)(6), (b)(7)(C) talked with us for a while he soon brought out two bottles of wine we by this time had all had two shots of vodka as well as a rum and grapefruit juice I then went and got four wine glasses out of my room and drank two glasses of wine after that point I blacked out and don't remember anything until I was in my bed and (b)(6), (b)(7)(C) was on top of me penetrating my anus with his penis I remember hearing his voice I don't remember what he said I just remember hearing his voice I then blacked out again I then remember waking up one last time to him thrusting his penis in and out of my anus and then blacked back out. I then woke up the next morning to a friend of (b)(6), (b)(7)(C) walking in my room commenting on how outside was a mess at that point I was laying in my bed fully nude face down when I went to move I realized how bad my anus hurt I then turned over and tried to go back to sleep unable to I went and took a shower in my shower I heard my neighbor bang on the door yelling jokingly "hurry up in there!" after I got out I wanted something to distract me so I went and bought season 2 of Spartacus after that I watched one episode and got ready and went to work.

I (b)(6), (b)(7)(C) Provided this statement
on 08DEC2011 At 2400 This statement is the
Truth to the best of my knowledge and belief

STATEMENT

Place : NCISRA GUANTANAMO BAY, CUBA

Date : December 8, 2011

(b)(6), (b)(7)(C)

I, HN (b)(6), (b)(7)(C) USN, make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of of an indecent sexual assault that was committed against me by (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

For the purposes of identification, I am (b)(6), (b)(7)(C) male, approximately (b)(6), (b)(7)(C) tall and weigh (b)(6), (b)(7)(C) pounds. My SSN is (b)(6), (b)(7)(C) and my DOB is (b)(6), (b)(7)(C) and my POB is (b)(6), (b)(7)(C) I have a Secret clearance. I currently reside in Cuzco Barracks Guantanamo Bay, Cuba. My current phone number is (b)(6), (b)(7)(C) My home address of record is (b)(6), (b)(7)(C)

I currently work for the Task Force Platinum as a Corpsman (HN) and am active duty USN. I am a night shift Corpsman for the HVDs. I generally get to work about 1630-1645 hours because I work the night shift in a twelve hour shift. I generally work from 1700 until 0500 for two days and then I am off for two days. There are only a total of four (4) Corpsmen that work where I work, two (2) night and two (2) day. All the Corpsmen live in Cuzco barracks. My home station is Great Lakes, Michigan. I arrived here August 24, 2011 and am scheduled to leave 26Mav12. I may leave before that though because another unit is supposed to arrive in February 2012.

Let (b)(6), (b)(7)(C) as he is called, around Thanksgiving in the gym. I am best friends with MT2 (b)(6), (b)(7)(C) USN, who is a guard at my Camp, and he introduced us. (b)(6), (b)(7)(C) was talking with him while (b)(6), (b)(7)(C) was on the treadmill. (b)(6), (b)(7)(C) told me, that (b)(6), (b)(7)(C) had asked about me after we met and said I was a, "good looking guy." (b)(6), (b)(7)(C) told him I was, "straight." (b)(6), (b)(7)(C) reportedly told him, "They all say they are that until they come knocking at midnight." (b)(6), (b)(7)(C) told me about this exchange after. (b)(6), (b)(7)(C) is a flamboyantly gay male and it was clear to me when I met him that he is gay. He was wearing mascara and other make-up and gestured in a way to suggest he was gay

(b)(6), (b)(7)(C)

I saw (b)(6), (b)(7)(C) on one other occasion before the day of the assault. I saw him when I was over in the TKs and with (b)(6), (b)(7)(C) was with this girl, (b)(6), (b)(7)(C) who I had not met before. I met her then and was attracted to her immediately. I think she is also a guard with (b)(6), (b)(7)(C)

Then, on December 2nd, 2011, I was in Gold Hill eating by myself way on one side of the chow hall. (b)(6), (b)(7)(C) came over and invited me to eat with her and (b)(6), (b)(7)(C) I brought my food and came over to sit with them. I had not seen them prior. (b)(6), (b)(7)(C) invited me out to party that night. Since I was attracted to (b)(6), (b)(7)(C) I accepted. I later called (b)(6), (b)(7)(C) and some other friends to see if they wanted to join me. No one came along with me. (b)(6), (b)(7)(C) said he was not feeling well. At around 2000, I walked over to J block of the Cuzco barracks and there were 15 to 20 people there at the party. The only people that I knew were (b)(6), (b)(7)(C) I was talking with them and immediately (b)(6), (b)(7)(C) handed me a drink, vodka, sprite and madory that she had. That had two (2) shots in it. During my time at this party (b)(6), (b)(7)(C) gave me two more drinks with two (2) shots each. It was a cookout so we were also eating hamburgers. While I was there, I saw (b)(6), (b)(7)(C) because he came through the party area, from where he lives, to go to (b)(6), (b)(7)(C)

Continuation of voluntary sworn statement of

HN (b)(6), (b)(7)(C) USN

on December 8, 2011

(b)(6), (b)(7)(C)

my room. He wanted to get the next season of Smallville (10) from my room. I was at this party for about three (3) hours (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

around 2300, a group of us went to the Windjammer. This group included (b)(6), (b)(7)(C) me and three (3) other guys. I do not know the names of the other guys that went with us. One of those guys was also flamboyantly gay (like (b)(6), (b)(7)(C)). As soon as I got to the Windjammer, I bought myself a drink. The drink was a Southern Comfort and coke. We were sitting outside at a table with the six (6) of us. (b)(6), (b)(7)(C) bought me another Southern Comfort and coke. (b)(6), (b)(7)(C) bought me a third about an hour later. We hung out there until around 0200 (around last call).

At this time, we were heading back to Cuzco and I invited everyone back to the patio near my room. Two of the people I did not know, had left the group (including the flamboyantly gay guy), leaving myself, and one other guy I had not met prior. I do not know this guy's name. When we arrived, had two (2) additional shots of vodka (one straight and one with grapefruit juice) and a rum with grapefruit juice. (b)(6), (b)(7)(C) were also drinking vodka and grapefruit juice. While we were there, a MSGT who lives next to me (M-14) came out and asked us to turn it down (meaning my music). At this point, we had been there a little while and it was probably around 0230 or so.

Another MSGT who lives across and three (3) doors down came to join us as well. He brought a couple of bottles of wine. I went into my room and got four (4) glasses and brought them outside. I had two (2) glasses of the wine. With the vodka, rum and the wine, I was now starting to really feel the alcohol

The last thing I remember is, (b)(6), (b)(7)(C) MSGT and I were talking about tattoos. I was showing (b)(6), (b)(7)(C) the tattoo I have (b)(6), (b)(7)(C). It is a (b)(6), (b)(7)(C) made that comment that my back was really cut. (b)(6), (b)(7)(C) was directly across from me and MSGT was to his left. After this, I must have passed out and I do not remember anything more about how I got to be in my bed

The next thing that happened is I woke up, I was naked and it was very dark in my room. I immediately noticed that my candle (which was on before) was now out. Someone was laying naked on top of me (missionary style) trying to thrust their penis inside of my anus. I heard someone's voice that I recognized as (b)(6), (b)(7)(C) voice. I knew it was him and I heard him say something like, "shh shsh," (b)(6), (b)(7)(C) was naked on top of me and trying to thrust his hard penis inside my anus with his hand. I was thinking, "Is this really happening?" and "How did I get to this?" I was awake for less than a minute I would say. I then blacked out again. I woke up again and the second time (b)(6), (b)(7)(C) was fully inside me (missionary style) and it was very painful. He was moving inside and out and it was very painful. I remember thinking, "How could anyone in the world think this was pleasureable?" I don't think he said anything. He kissed me on the mouth. He had his hands behind my head to hold himself up. I know he was not wearing a condom and was not using any lubricant. I think this happened between 0300 and 0400. I was awake the second time for a like a minute or two. I was in a state of shock

I am certain that (b)(6), (b)(7)(C) left his cigarettes in my room (Newport). I have brought those in today. They were in my trash. I just remembered them this morning and took them from the trash

Continuation of voluntary sworn statement of

HN (b)(6), (b)(7)(C) USN

on December 8, 2011

(b)(6), (b)(7)(C) woke up later in the day, around 1300 when a friend of mine, (b)(6), (b)(7)(C) walked into my room. I was in a lot of pain but I did not take anything for the pain. I tried to convince myself it was all a dream. I was very hung over. (b)(6), (b)(7)(C) made a comment that outside (the patio) was a mess. He left. I stayed in bed for a few minutes. I was naked under my sheets (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) went to take a shower and stayed in there for at least 10 minutes and sat in the shower. My (b)(6), (b)(7)(C) banged on the door and said "hurry up in there." In a joking way. After this, I would say I felt like a zombie. I didn't want to feel anything and I was still in pain. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I went over the NEX and bought season 2 of Spartacus. I came back and got ready to go to work. I worked from 1700 until 0500, Saturday night, 03Dec11. While I was at work, (b)(6), (b)(7)(C) pulled me aside and asked what was wrong with me. I told him I had the worst night of my life and did not give him any details. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) After I got back from work, I tried to go to sleep and woke up around 1400 on Sunday, 04Dec11. I watched Spartacus until I had to get ready for work again. I went in early on Sunday and took the Gator to work (instead of getting a ride with the guards). I worked from 1700 until 0500 on Monday, 05Dec11. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Monday, I was feeling really about everything and knew I needed to talk to someone. I waited a couple of hours and then took the Gator over to the JSMART around 0830. They have mental health people there and I had friends who work there. I knew what had happened wasn't right and I wanted to get some sort of help. I was seen there within 30 minutes by HN (b)(6), (b)(7)(C) USN. I knew him from before. I went to psych school with him. I told him that I was a victim of rape and I was feeling numb and depressed. He took the information and asked me questions like, are you going to hurt yourself or anyone else? And asked if I had told anyone else and I told him that I had not.

(b)(6), (b)(7)(C) told me the psychologist was supposed to meet with me next, but the psychologist, Lt (b)(6), (b)(7)(C) had already left. He made me an appointment for the next day at 0900. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) After JSMART, I drove the Gator back to my barracks room and slept until 1700. I had that day off from work. I was woken up by (b)(6), (b)(7)(C) to go for chow. After chow, I went back to my room and played video games. I went to the NEX and bought a blu-ray player and surround sound. I bought the movie, "300." I went back to my room with these things and set them up and watched the movie. I went to bed early that night at 0100. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I woke on Tuesday, 06Dec11, early, so that I could get to my appt. I had to drop off medical supplies to my unit, so I left at 0800 in the Gator. I picked up the supplies but did not make it to my unit to drop my supplies because the Gator broke down. I used a Headquarters vehicle to drive the supplies to my unit and then I walked over to the JSMART appt. I finally got to meet with Lt (b)(6), (b)(7)(C) at around 1000 or 1030. (b)(6), (b)(7)(C) said she could not give me any treatment because she knew me from Great Lakes. She was from my command there. She gave me the number for the Victim Advocate. I left the JSMART and walked to the bus stop because the Gator was broken. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) By the time I got back to my barracks, it was after 1100. I was starving and exhausted. I was fully intending to call the victim advocate but after I ate lunch, I just crashed. I woke up around 1730. I did (b)(6), (b)(7)(C)

Continuation of voluntary sworn statement of

HN (b)(6), (b)(7)(C) USN

on December 8, 2011

(b)(6),
(b)(7)(C)

have to work that night either. (b)(6), (b)(7)(C) called and that work me up for chow. I went to chow with

(b)(6), (b)(7)(C)

(b)(6),
(b)(7)(C)

(b)(6), (b)(7)(C)

my next door neighbor, (b)(6), (b)(7)(C) has a huka and invited us over to do that and watch tv. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and I went over there and watched movies including "The Walking Dead," until around 0100.

After that, I went to my room and played video games until I went to bed around 0200. I stayed asleep and did not wake up until 1300 on Wednesday, 07Dec11. I went to the gym right away and was hoping not to run into there (Marine Hill). I stayed about 30-40 minutes and did not see there. I rode the bus back from the gym and called the victim advocate at around 1500 or so. I talked to her on the phone and she came to pick me up. She brought me to the fleet and family center and I talked with her there as well. She brought me to the hospital to have all the testing done and subsequently NCIS was called. I told her I had to go to work at 1700 but would like to file a report

(b)(6), (b)(7)(C)

This statement, consisting of this page and 3 other page(s) was typed for me by Special Agent (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief

Signature _____

Sworn to and subscribed before me this 8th day of December in the year 2011 at

NCISRA Guantanamo Bay, CuBA

Witnessed: _____

AUTH: DERIVED FROM ARTICLE 15b,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF CRIME SCENE EXAMINATION

1. On 07Dec11, Reporting Agent (RA) and Participating Agent (PA) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) conducted a crime scene examination at (b)(6), (b)(7)(C) residence located at Cuzco Barracks, Room (b)(6), (b)(7)(C) Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO) pertaining to captioned investigation. The examination consisted of a scene sketch, photographic documentation and evidence collection.

BACKGROUND

2. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), CIV, Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, SH3 (b)(6), (b)(7)(C) USN, Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) anally penetrating him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still anally penetrating him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. (b)(6), (b)(7)(C) was not in his room when (b)(6), (b)(7)(C) woke up. (b)(6), (b)(7)(C) believed (b)(6), (b)(7)(C) ejaculated inside him and did not wear a condom at the time of the assault.

SCENE EXAMINATION

3. The scene was located at Cuzco Barracks, Room (b)(6), (b)(7)(C) Room (b)(6), (b)(7)(C) can be described as a single occupant room measuring fifteen (15) feet by thirteen point two (13.2) feet. The room contained one (1) bed, a work station, vanity and access to a shared bathroom. The examination initiated at approximately 1700. A scene sketch depicting orientation and location of seized evidence is attached as enclosure (A).

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SUBJ: (b)(6), (b)(7)(C) HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

PHOTOGRAPHIC DOCUMENTATION

4. Photographic documentation of the room and evidence seized was obtained and is attached as enclosure (B).

EVIDENCE COLLECTION

5. The following items were seized by PA (b)(6), (b)(7)(C) and placed into the NCIS Resident Agency GTMO evidence custody system under log #048-11:

ITEM	DESCRIPTION
(A)	One (1) sealed brown paper bag containing one (1) blue extra small American Eagle T-shirt
(B)	One (1) sealed brown paper bag containing one (1) black under armor boxer brief
(C)	One (1) sealed brown paper bag containing one (1) brown towel
(D)	One (1) sealed brown paper bag containing one (1) set of brown sheets consisting of a fitted sheet, top sheet and two (2) pillow cases

6. Subsequent to the collection of evidence, the examination concluded at approximately 1800. The Permissive Authorization for Search and Seizure is appended as enclosure (C).

ENCLOSURES

- (A) Scene Sketch/07Dec11
- (B) Compact Disk containing Photographic Documentation/07Dec11
- (C) Permissive Authorization for Search and Seizure/07Dec11

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Guantanamo Bay, Cuba

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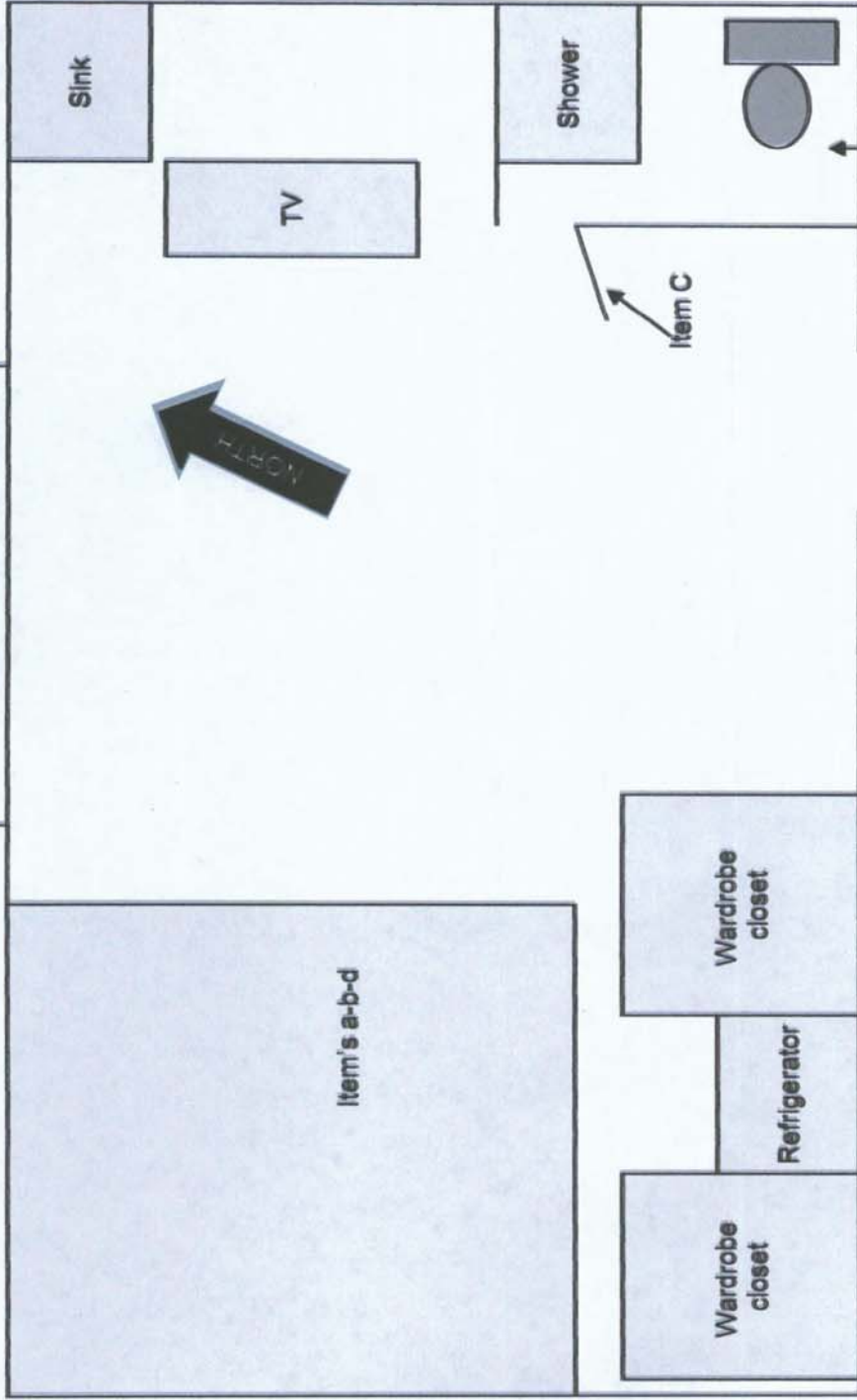
PAGE 2 LAST (b)(6), (b)(7)(C) V2 LNY

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Window

Shelf/Stand



15ft

13.3ft

TITLE: (b)(6), (b)(7)(C) HN USN)

CCN: 07DEC11-SEGT-0055-8DNA

SKETCH BY: SA (b)(6), (b)(7)(C) NCIS

DATE: 07DEC11

LOCATION: CUZCO (b)(6), (b)(7)(C) NAVSTA GTMO

NOT TO SCALE

LEGEND:

All items displayed seized under NCIS
Log #048-11

Items (A), (B) and (D) seized from bed

ENCLOSURE (A)

Page 90 redacted for the following reason:

Enclosure (B) to Exhibit (5) is not processed



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Entrance to Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO

PHOTOGRAPH BY:

SA (b)(6), (b)(7)(C)

REPORTING AGENT:

SA (b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

CUZCO (b)(6), (b)(7)(C) NAVSTA GTMO inside entrance

PHOTOGRAPH BY:

SA (b)(6), (b)(7)(C)

REPORTING AGENT:

SA (b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11

**NI TITLE**

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

CUZCO (b)(6), (b)(7)(C) Southwest corner

PHOTOGRAPH BY:

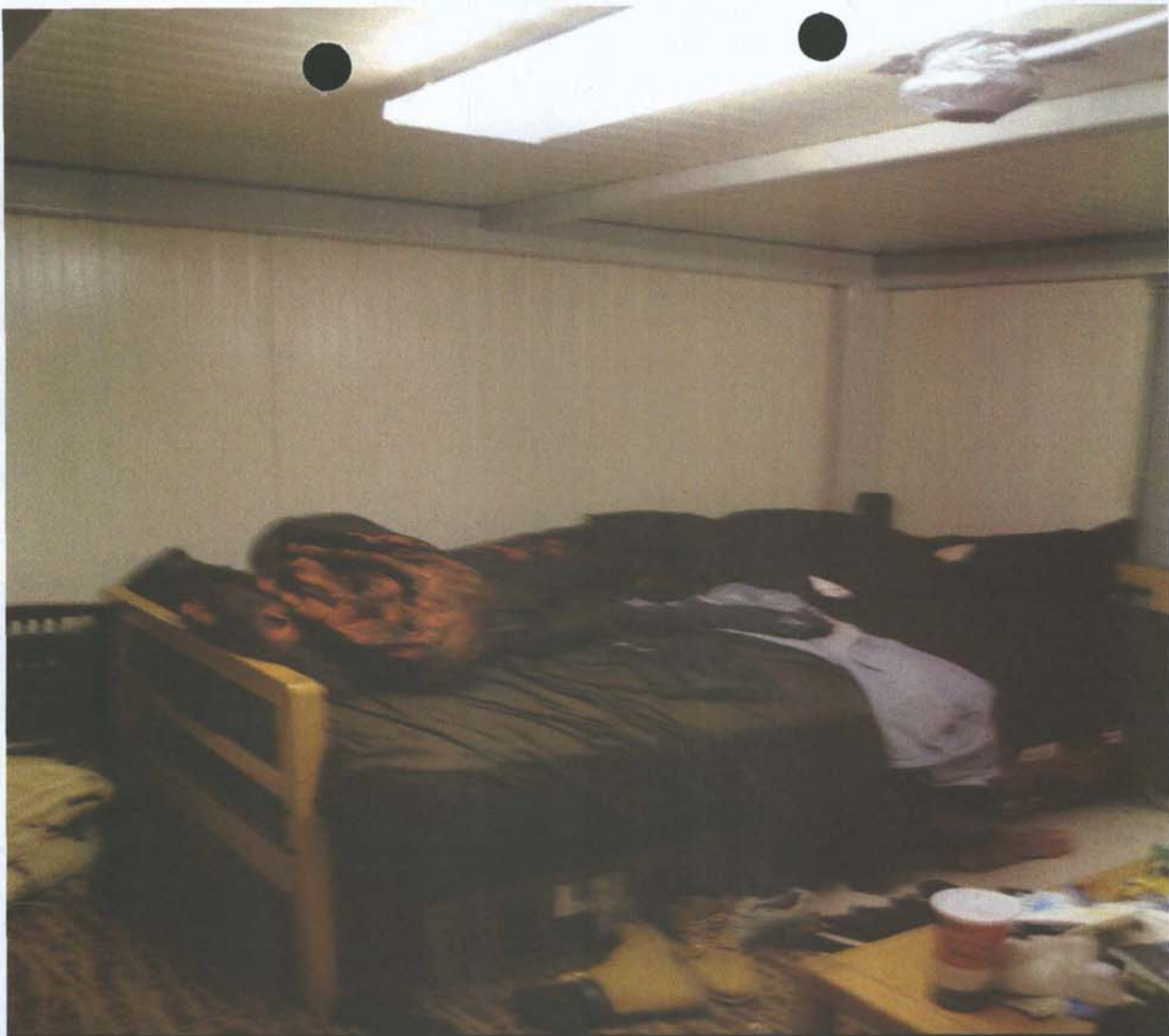
SA (b)(6), (b)(7)(C)

REPORTING AGENT:

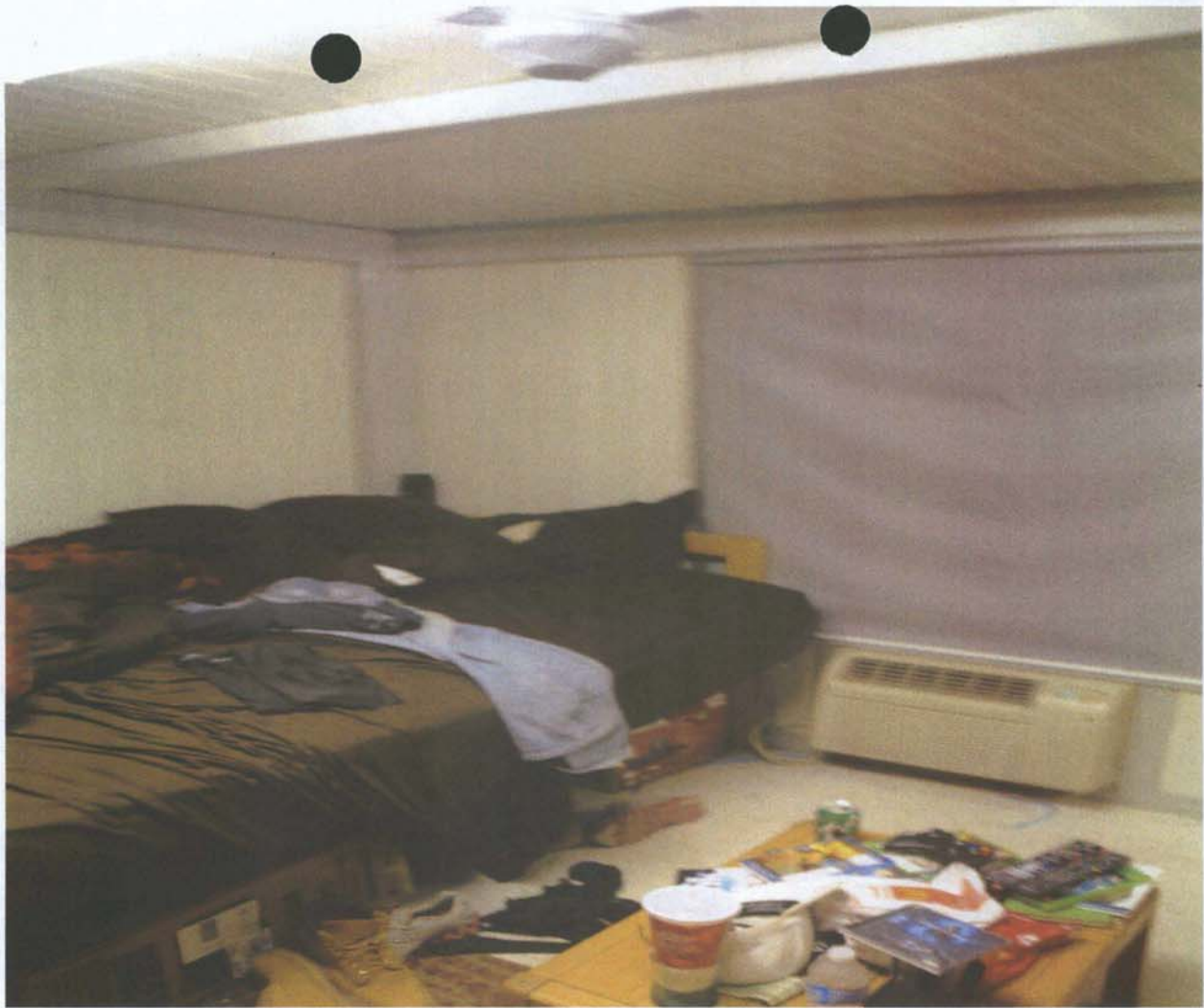
SA (b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



NI TITLE (b)(6), (b)(7)(C)	CCN 07DEC11-SEGT-0055-8DNA
SUMMARY (b)(6), (b)(7)(C) BED, CUZCO (b)(6), (b)(7)(C)	PHOTOGRAPH BY: SA (b)(6), (b)(7)(C) REPORTING AGENT: SA (b)(6), (b)(7)(C) PHOTO DATE: 07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Northwest corner CUZCO (b)(6), (b)(7)(C)

PHOTOGRAPH BY:

SA (b)(6), (b)(7)(C)

REPORTING AGENT:

SA (b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Covered window CUZCO (b)(6), (b)(7)(C)

PHOTOGRAPH BY:

SA

(b)(6), (b)(7)(C)

REPORTING AGENT:

SA

(b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Television and video game console located in
CUZCO (b)(6), (b)(7)(C)

PHOTOGRAPH BY:

SA

(b)(6), (b)(7)(C)

REPORTING AGENT:

SA

(b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Adjoining bathroom CUZCO (b)(6), (b)(7)(C)

PHOTOGRAPH BY:

SA (b)(6), (b)(7)(C)

REPORTING AGENT:

SA (b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Brown towel located on bathroom door,
CUZCO (b)(6),
(b)(7)(C)

PHOTOGRAPH BY:

SA

(b)(6), (b)(7)(C)

REPORTING AGENT:

SA

(b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

Exit to CUZCO (b)(6), (b)(7)(C)

PHOTOGRAPH BY:

SA

(b)(6), (b)(7)(C)

REPORTING AGENT:

SA

(b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
RESIDENT AGENCY GUANTANAMO BAY, CUBA**

NI TITLE

(b)(6), (b)(7)(C)

CCN

07DEC11-SEGT-0055-8DNA

SUMMARY

BLACK under armor briefs

PHOTOGRAPH BY:

SA

(b)(6), (b)(7)(C)

REPORTING AGENT:

SA

(b)(6), (b)(7)(C)

PHOTO DATE:

07DEC11

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 07 Dec 11

I, HN (b)(6), (b)(7)(C) USN, after being
advised by SPECIAL AGENT (b)(6), (b)(7)(C) that the
Naval Criminal Investigative Service is conducting an investigation into A SEXUAL
ASSAULT,
have been requested to permit a search of my BARRACKS ROOM, CUZCO
BARRACKS (b)(6), (b)(7)(C), GTMO, CUBA.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 07 Dec 11
by SPECIAL AGENTS (b)(6), (b)(7)(C) and I hereby give
my permission to remove and retain any property or papers found during the search which are desired
for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or
promises extended to me.

Signed

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 1700 07 Dec 11
End : _____

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

08DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF EVIDENCE COLLECTION FROM (b)(6), (b)(7)(C)

1. This investigation was initiated on 07Dec11, after notification from (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC) that (b)(6), (b)(7)(C) was sodomized during the early morning of 03Dec11. (b)(6), (b)(7)(C) was subsequently interviewed and provided a sworn statement.

2. At the conclusion of the interview, (b)(6), (b)(7)(C) signed a Permissive Authorization for Search and Seizure for two (2) buccal swabs for DNA analysis purposes. Reporting Agent (RA) collected the swabs and placed them into NCISRA Guantanamo Bay, Cuba, evidence custody system under log number 046-11.

3. (b)(6), (b)(7)(C) also provided three (3) boxes of cigarettes which he reported belonged to SH3 (b)(6), (b)(7)(C) USN. (b)(6), (b)(7)(C) stated he forgot about them the night before during the crime scene examination, because they were in his trash. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) must have left them in his room, (b)(6), (b)(7)(C) Cuzco Barracks, Guantanamo Bay, Cuba. These were placed into the NCISRA Guantanamo Bay, Cuba, evidence custody system under log number 047-11.

ENCLOSURE

(A) Permissive Authorization For Search and Seizure/08Dec11.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

FOR OFFICIAL USE ONLY

PAGE 1 LAST

(b)(6),
(b)(7)(C)

V2 LNN

WARNING
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ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED
WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

EXHIBIT (6)

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 08 Dec 11

I, (b)(6), (b)(7)(C), after being
advised by Special Agent (b)(6), (b)(7)(C) that the
Naval Criminal Investigative Service is conducting an investigation into an indecent
assault
have been requested to permit a search of my mouth for a Buccal Swab (DNA)

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 08 Dec 11
by Special Agent (b)(6), (b)(7)(C) and I hereby give
my permission to remove and retain any property or papers found during the search which are desired
for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or
promises extended to me.

Signed

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 1325
End : 1325

STATEMENT

Place : NCISRA Guantanamo Bay, Cuba

Date : December 8, 2011

(b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the sexual assault of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) For the purpose of identification I am a (b)(6), (b)(7)(C) male, (b)(6), (b)(7)(C) inches tall, approximately (b)(6), (b)(7)(C) lbs, with (b)(6), (b)(7)(C) hair and (b)(6), (b)(7)(C) eyes. My social security number is (b)(6), (b)(7)(C) and I was born on (b)(6), (b)(7)(C) in (b)(6), (b)(7)(C). I am currently assigned to the 474 ECES as a heavy equipment shop supervisor.

On early Saturday morning, 03Dec11, at around 2 AM, I arrived at my block (M) in the Cuzco Barracks. Just before entering my room (b)(6), (b)(7)(C), I noticed a few people outside their room in front of room (b)(6), (b)(7)(C). I have seen most of them before, but I really didn't know them that well. Just before entering my room, they invited me over to join them for drinks. I noticed several bottles of alcohol on the table outside which they had been drinking. A few were drinking wine, so I offered to bring (b)(6), (b)(7)(C) bottle. I joined all of them (one girl, and four guys not including myself), and we hung out for awhile as we socialized and drank wine. All of them I believe were in the Navy. An hour later, at around or just before 3 AM, one guy leaves with the female. She comes back shortly after and starts talking to another guy outside while the resident at (b)(6), (b)(7)(C) shows me and another guy his cuzco room because of all the space and other features he had in his room that nobody else had. While in the room, the two guys disagreed on several things like types of cologne, quality of electronics, and how his big bed wasn't soft. While we were inside the room chatting, the other guy, and the girl were outside socializing. We left his room after he had showed us and continued to drink. The girl leaves at some point, and the guy she had been chatting with outside leaves as well at different times. So now it is just me, and the other two guys (the resident @ (b)(6), (b)(7)(C) and another guy who I believe lives in the Tierra Kay Barracks). We continued to drink outside and at one point the resident in (b)(6), (b)(7)(C) complained about the noise so we turned the radio down. At this point of the night, both of the individuals were intoxicated due to all of the alcohol that they consumed that night. The resident of (b)(6), (b)(7)(C) slurred as he spoke, but it was evident that both were intoxicated due to the presence of reddish/watery eyes. The two then started arguing because the one guy called the resident of (b)(6), (b)(7)(C) a name that he did not like. From there it got heated and some drama came up. I felt very uncomfortable at that point so I kindly asked if they wanted me to leave. They both agreed for me to leave so I left to go to my room. I told them to come and get me when they were done. They never came back to get me that morning so I fell asleep in my room. The next morning before noon I dropped off his wine glass from the morning, which I was drinking from and his door was cracked open, but he wasn't home so I left it there in front of his door. I saw him once the next day. He was with a group of different people/friends outside of his room (b)(6), (b)(7)(C) I had only said hello, asked him if he got his wine glass and passed by. It seemed like something was bothering him as I walked by. That is all I can remember that happened that morning regarding this matter. I will not mention anything to anyone, and will report anything else that may come up from here on out.

Continuation of voluntary sworn statement of

(b)(6), (b)(7)(C)

on December 8, 2011

(b)(6),
(b)(7)(C)

This statement, consisting of this page and 1 other page(s) was typed for me by Myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Signature: _____

Sworn to and subscribed before me this 8th day of December in the year 2011 at

NCISRA Guantanamo Bay, Cuba

(b)(6), (b)(7)(C)

Witnessed: _____

Reg
AU

UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

No further entries

08DEC11

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

STATEMENT

Place : NCISRA GUANTANAMO BAY, CUBA

Date : December 8, 2011

(b)(6), (b)(7)(C) make the following free and voluntary statement to SPECIAL AGENT (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the indecent assault committed against HN (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) for the purposes of identification, I am (b)(6), (b)(7)(C) male (b)(6), (b)(7)(C) tall and weigh (b)(6), (b)(7)(C) pounds. My SSN is (b)(6), (b)(7)(C) and my DOB is (b)(6), (b)(7)(C) and my POB is (b)(6), (b)(7)(C). I have a TS/SCI clearance. My current residence is at (b)(6), (b)(7)(C) Cuzco Barracks, Guantanamo Bay, Cuba. I am currently deployed here and my home base is in Kings Bay, Georgia. I am a MT2, Active Duty, in the USN (E-5), however I am currently assigned as a Assistant Watch Commander for the Task Force Platinum in the Joint Task Force-GTMO. I arrived on GTMO on 23Mar11 and am due to depart 26Mar12. I may be leaving early hopefully

(b)(6), (b)(7)(C)

As far as I know the events unfold like this. I introduced (b)(6), (b)(7)(C) after (b)(6), (b)(7)(C) had shown an interest in meeting (b)(6), (b)(7)(C). I had expressed (b)(6), (b)(7)(C) non-homo-sexual preference as I knew it to (b)(6), (b)(7)(C). Knowing that (b)(6), (b)(7)(C) was openly gay and his interest in (b)(6), (b)(7)(C) seemed to be in a physical attraction. He said "They are all straight until they are knocking on my door at night." Which I understood as a passing joke. Before introducing (b)(6), (b)(7)(C) I did pass on the feeling I had from (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) maybe attracted to him. (b)(6), (b)(7)(C) made it extremely clear to me that he was in no way wanting of a relationship of that nature. I remember that when explaining the conversation to (b)(6), (b)(7)(C) he said "Yeah...NO." I still introduced them though because of the fact (b)(6), (b)(7)(C) has parties on island and there are a lot of people to meet and (b)(6), (b)(7)(C) and I had starting hanging out so much. That way (b)(6), (b)(7)(C) would be welcomed were I was welcomed. From that point forward I believe they only met on a couple other occasions. Maybe once more at the gym. Also once at (b)(6), (b)(7)(C) T.K when (b)(6), (b)(7)(C) and I were in the T.K's visiting some friends of his and mine

From that point I am unaware of any other meetings other than last Friday when I saw them at a social gathering in the Cuzcos. However they did not appear to be in conversation for the 5 minutes I was there. I happened upon (b)(6), (b)(7)(C) when returning a TV series to him and borrowing another one. The next day I saw (b)(6), (b)(7)(C) he seemed different. With drawn and distance. Which is highly unlike him. When I addressed this with him he gave the impression Friday night was horrible I remember him saying that "Friday night was the worst night of my life". I could tell something was wrong. I explained to him that should he disclose anything to me even as his friend I would be required to report it appropriately. He got very quiet and I instructed him that he would go speak with J-Smart or someone before he returned to work and asked if he felt he should go home. He said he would speak with someone however he felt comfortable enough to stay and wanted to stay at work. On Sunday we spoke again about the situation and from there he said J-Smart was closed and he would be speaking with them the next day as soon as they opened.

Continuation of voluntary sworn statement of

(b)(6), (b)(7)(C)

on December 8, 2011

(b)(6), (b)(7)(C) This statement, consisting of this page and 1 other page(s) was typed for me by (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(6), (b)(7)(C)

Signature

(b)(6), (b)(7)(C)

Sworn to and subscribed before me this 8 day of December in the year 2011 at

NCISRA Guantanamo Bay, CUBA

Witnessed: _____

(b)(6), (b)(7)(C)

vice

NOTICE: DERIVED FROM ARTICLE 156,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : NCISRA Guantanamo Bay, CUba

Date : December 9, 2011

(b)(6),
(b)(7)(C)

(b)(6), (b)(7)(C)

make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the alleged sexual assault of (b)(6), (b)(7)(C)

(b)(6),
(b)(7)(C)

For the purpose of identification, I am a (b)(6), (b)(7)(C) female, (b)(6), (b)(7)(C) inches tall, approximately (b)(6), (b)(7)(C) lbs, with

(b)(6), (b)(7)(C) hair and (b)(6), (b)(7)(C) eyes. My social security number is (b)(6), (b)(7)(C) and I was born in (b)(6), (b)(7)(C)

on (b)(6), (b)(7)(C) I am currently assigned to the Naval Expeditionary Guard Battalion as the Executive Assistant to the Joint Detention Group Command

On Friday December 2nd, at approximately 2000 on J block in Cuzco barracks a group, myself and a few other people were partaking in a BBQ with alcohol. A few of the people that were there are (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) There were approximately 5-6 other people there that I do not know the names of. All were drinking, eating and socializing. At approximately 2230 it started to drizzle so a few people left. The remainder of us, about 8, moved under the canopy. Around 30 minutes later someone suggested we all go see who all was at the Wind Jammer. So the group of us walked to the Wind Jammer socialized there until it had closed at 0200.

We then all walked back to Cuzco to (b)(6), (b)(7)(C) room on M block and were socializing outside.

(b)(6), (b)(7)(C) had gotten some wine out of his room for everyone. I was at the far end of the picnic table talking to (b)(6), (b)(7)(C)

most of my time on M block. There were a group of people to include (b)(6), (b)(7)(C) and

approximately 2 other people sitting at the picnic table talking. At approximately 0300 the person that I have been seeing called me and asked me to come over. I left shortly after that and told (b)(6), (b)(7)(C) that if

I did not come back, that if him or (b)(6), (b)(7)(C) needed a place to stay they could stay in my room because I

would be staying the night with him. I then left and went to his room. About an hour later I left (b)(6), (b)(7)(C)

place and went back over to M block to see who all was still there. (b)(6), (b)(7)(C) were the only two

left. They were talking and I didn't feel much like I was apart of the conversation so I told them I was

going. I went back to my friend's room and spent the night. On December 3rd at approximately 1030 I

woke up and went to my room. (b)(6), (b)(7)(C) was asleep there I did not want to wake him so I went back to my

friends and lay back down. I could not fall back to sleep so I got up around 1100 and when I returned

to my room (b)(6), (b)(7)(C) had gone home. Later that day (b)(6), (b)(7)(C) and I went to lunch at the Cuban

Club (b)(6), (b)(7)(C) told us all at lunch that he and (b)(6), (b)(7)(C) had had intercourse. Stating it started by them playing a

video game moving on to making out then (b)(6), (b)(7)(C) penetrated (b)(6), (b)(7)(C) When (b)(6), (b)(7)(C) started to penetrate

(b)(6), (b)(7)(C) told him that it hurt and he could not go on. He then stated after it was over (b)(6), (b)(7)(C) strong armed

him and told him that if he ever tells anyone about what happened that he would be sorry." He then

went on to say "at that time he was in fear that (b)(6), (b)(7)(C) was going to harm him so he got out of there as

soon as possible

On the morning of Sunday December 4th, (b)(6), (b)(7)(C) had left a bag containing the alcohol that I had left at his place with a note addressed to myself and (b)(6), (b)(7)(C) stating something along the lines of he was not going to be drinking any more here and for me to forget his name. The part to (b)(6), (b)(7)(C) said that he ruined his life

Continuation of voluntary sworn statement of

(b)(6), (b)(7)(C)

on December 9, 2011

(b)(6),
(b)(7)(C)

(b)(6), (b)(7)(C) d to not come within 1 mile of him or he would regret it. I did not give the letter to (b)(6), (b)(7)(C) as I knew he was already upset over what had happened. I know of approximately 3 other people that have read the letter to include

a prior conversation between (b)(6), (b)(7)(C) and I, while at lunch. (b)(6), (b)(7)(C) had stated that he was drinking one night and that a few of the guys there were discussing penis sizes and asked him to pull out his and show the size and he then stated that he then did pull it out and put it in the guys hand

This statement, consisting of this page and 1 other page(s) was typed for me by Myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge.

(b)(6), (b)(7)(C)

Signature _____

Sworn to and subscribed before me this 9th day of December in the year 2011 at

NCISRA GTMO

Witnessed: _____

NO FURTHER ENTRIES

9 DEC 2011

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NCISRA GUANTANAMO BAY, CUBA

Date : December 9, 2011

by Special Agents [REDACTED] and [REDACTED], have been advised that I am suspected of Article 120 (Indecent Assault) and Article 125 (Sodomy).

I have also been advised that:

-) I have the right to remain silent and make no statement at all;
-) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
-) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my lawyer at no cost to me, or both;
-) I have the right to have my retained lawyer and/or appointed military lawyer present during questioning; and
-) I may terminate this interview at any time, for any reason.

understand my rights as related to me and as set forth above. With that understanding, I have
 that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a
 lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have
 been made to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Signatur

Date &

Witnessed

STATEMENT

Place : NCISRA GUANTANAMO BAY, CUBA

Date : December 9, 2011

(b)(6), (b)(7)(C)
I, SH3 (b)(6), (b)(7)(C) USN, make the following free and voluntary statement to Special Agents (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of an alleged assault against (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
For the purposes of identification, I am (b)(6), (b)(7)(C) male, about (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) pounds. My social security number is (b)(6), (b)(7)(C) and my DOB is (b)(6), (b)(7)(C). My POB is in the (b)(6), (b)(7)(C). I am an E-4 (SH3) active duty in the USN. I am currently deployed here in Guantanamo Bay, Cuba, out of San Diego, CA. I arrived here in March 2011 and am supposed to depart in January 2012. I live in the Terra Keys, (b)(6), (b)(7)(C). My home address of record is (b)(6), (b)(7)(C). My phone number is (b)(6), (b)(7)(C).

(b)(6), (b)(7)(C)
I have known (b)(6), (b)(7)(C) since the day a friend of mine from my company introduced him to me at the gym. (b)(6), (b)(7)(C) also came by my patio not too long after we met with the same person heading to the windjammer for karaoke night. One day during lunch he was sitting by himself and I thought that maybe he could use some company and so I told my friend to invite him and have lunch with us. I invited (b)(6), (b)(7)(C) to a gathering and had given him an invitation which he agreed to come. One night in Cuzco J Block, a friend of mine had a barbeque and invited people for some drinks. Later that night (b)(6), (b)(7)(C) showed up and hung out with us. We later all decided to go to the windjammer and drink some more and to see the rest of our friends. (b)(6), (b)(7)(C) and I continued our conversation about random things trying to get to know each other. Half an hour before the windjammer was about to close, we all (b)(6), (b)(7)(C) decided to head back to the Cuzco and hang out. (b)(6), (b)(7)(C) wanted to show us his room since it's bigger than the rest of the other ones that I saw. He decided that he wants to keep the party in his Block and drink some more. One by one everybody started leaving and at one point (b)(6), (b)(7)(C) and I were alone. We found ourselves talking about some random things again and I felt that we were connecting even more until, he had asked me about a friend of his and why I don't want him at my party. The conversation was going nowhere far with us back and forth arguing about the subject. I realized no one was winning and the conversation bored me. I was frustrated, irritated and decided to call it a night. I told (b)(6), (b)(7)(C) that I will not be bringing any of the liquors my friends had brought over and suggested instead to take everything to his room and he agreed. As we came to finished putting everything away, (b)(6), (b)(7)(C) turned on his TV and his video game and pat his bed signaling me to come over. I walked towards him with a glass of wine trying to finish what remains of the bottle. (b)(6), (b)(7)(C) and I looked at each other and at one point found our selves kissing. He jumped off his bed and walked towards his TV and turned everything off including the light. It was dark and I couldn't see anything, but a shadow. (b)(6), (b)(7)(C) rushed towards me and I felt that he had nothing on and realized then that he was completely naked and his penis was hard. (b)(6), (b)(7)(C) kissed me some more and we both headed to his bed. I took my clothes off and we both kiss some more. (b)(6), (b)(7)(C) was on top of me and decided to give me an oral. Couple of minutes passed we flip and I was on top of him giving him oral too. He told me not long after the oral lasted that he wanted me to cum in him. I asked him wether if he had any condoms and he said no. I wasn't

Continuation of voluntary sworn statement of
SH3 [REDACTED] USN
on December 9, 2011

[REDACTED] so sure whether I wanted to have sex with [REDACTED] with no protection since I didn't really know him that well, but he kept repeating the words "Baby I want you to cum in me" over and over again. So I decided to have sex with him. [REDACTED] keeps repeating again the words "Baby cum in to me" over and over again until I realized that I had no desire to have sex with him anymore. I pulled away and I ended up on top of him, but this time [REDACTED] was trying to penetrate me with his penis. I knew that it was going to be painful since I haven't had sex in a long time. As soon after he inserted his penis in my butt, I told him to pull it away because it hurts. After pulling it out I got off on top of him and out of nowhere [REDACTED] kicked me in my stomach and I landed further away from where he was at and landed against the wall. I was confused and didn't know what to think of what just happened and so I told myself that it was time for me to go and get away from the situation. I started putting on my clothes and again out of nowhere [REDACTED] rushed aggressively towards me trying to find my body. [REDACTED] then took my left arm, twisted it and banged my head against the wall saying "This whole thing with your penis inside me and this relationship is over and if you tell anyone and come after me, I will have something big coming for you." I was in pain the whole time and didn't know how to react to the situation. All I can think of is that [REDACTED] was going to hurt me even more. After saying what he had said, he quickly went back to his bed and pulled his blanket over him. I waited at least 10 min in the same position and inhaled and exhaled everything that just happened and left his Cuzco. I later went to one of my friends Cuzco room and decided to sleep there since I knew that I would have a hard time to drive. I woke up later in the day with the sun on my face and decided to go home.

This statement, consisting of this page and 1 other page(s) was typed for me by Myself as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge.

Signature: [REDACTED]

Sworn to and subscribed before me this 9th day of December in the year 2011 at

NCISRA Guantanamo Bay, Cuba

Witnessed: [REDACTED]

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

09DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF CRIMINAL HISTORY CHECKS

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was sodomized by SH3 (b)(6), (b)(7)(C) USN, on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO.
2. On 09Dec11, criminal history checks were completed for (b)(6), (b)(7)(C). Database inquiries were made of the Law Enforcement Exchange (LInX), Knowledge Network (K-NET), Consolidated Law Enforcement Operations Center (CLEOC), National Crime Information Center (NCIC), and the Central Index of Investigations (DCII).
3. (b)(6), (b)(7)(C) was involved in one previous investigation with NCIS. The investigation was titled (b)(6), (b)(7)(C) SN USN (CCN: 07OCT08-SWXP-0107-8FNA/C) and is listed as a reference in this investigation. On 07Oct08, (b)(6), (b)(7)(C) reported he was sexually assaulted by (b)(6), (b)(7)(C) in late April/May 2008.
4. All other inquiries were negative.
5. The Joint Personnel Adjudication System (JPAS) depicts (b)(6), (b)(7)(C) possesses a Secret clearance.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNN

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STATEMENT

Place : Ncitra Guantanamo Bay, Cuba

Date : December 12, 2011

(b)(6), (b)(7)(C), (b)(6), (b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the alleged sexual assault of (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) For the purpose of identification I am a female, inches tall, approximately lbs, with hair and (b)(6), (b)(7)(C) eyes. My social security number is and I was born in Corpus Christi, TX on I am currently assigned to the Naval Expeditionary Guard Battalion Training Department

On Friday December 2nd BM3 (b)(6), (b)(7)(C) and I grilled outside of our Cuzco's were all there. Later they decided to go out to the Wind Jammer, and I stayed at the Cuzco's. On Saturday December 3rd at approximately 0700 came in my room and he looked distraught, so I asked him what was wrong. said he had the worst sexual experience last night. He stated that he was the top last night and for some reason he couldn't cum. He said in the middle of sex the guy (b)(6), (b)(7)(C) kicked him off of him and bent his arm behind his back and he didn't know whether to fight him or not. He said he was scared and he put his clothes back on and left. He then stated that he was going home to wash his penis because he felt gross. I told he looked like he was raped. Later on that day there was a bag hanging on Cuzco door and I wanted to know what was in it. I found four liquor bottles and a note inside. I read it and stuck the bag back on door. The note was for It stated to that he didn't want to get rid of her liquor and for her not ever come near him again and that he is never drinking here. The part for said that he has ruined his career and to stay away from him.

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Si, _____

Sworn to and subscribed before me this 12th day of December in the year 2011 at

NCISRA GTMO

Witnessed: _____

STATEMENT

Place : NCISRA GUANTANAMO BAY, CUBA

Date : December 12, 2011

(b)(6), (b)(7)(C) I, BM3 (b)(6), (b)(7)(C) USN, make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the alleged assault of (b)(6), (b)(7)(C) by (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) For the purposes identification, I am an female, about inches, lbs. My SSN is and my DOB is and POB is I have a Secret clearance. I am currently assigned as a guard/escort with the Joint Task Force, Guantanamo Bay, Cuba. My current address is Cuzco I am currently deployed here. My home station is the USS New Orleans in San Diego, CA and my cell phone is

I've known for about 7 months we are very close he is a good friend to me. I do not know I've just heard of him from stating that they've met a new friend. But on Friday night Dec 2nd I decided to have a barbeque I invited my friends to join. When they arrived they had with them this was my first time meeting him introduced him to me we sat drank and listening to music conversating that night it was an early night for me I was too drunk so I went to bed. The next morning around 7or 8am ^{me} can to my cuzco he looked really out of place I knew something had happened but didn't want to believe it but he stated to me that he had a bad (b)(6), (b)(7)(C) experience with sex last night so I took him outside to smoke where my head mate came also (b)(6), (b)(7)(C) he started telling the story and said he was having sex with and he was the one doing the penetrating but he felt weird because he could not ejaculate then stated that was even trying to help him by making gestures that he wanted him to cum in his butt but nothing was working for him all of a sudden kicked him off of him into the wall then jumped up and twisted his arm behind his back pressing his face into the wall stating that if this gets out and he comes at him with something big then he will come back with something bigger. kept beating himself up about the situation because he said he didn't understand what that meant. Now that Sunday on Dec. 4th I woke up the next morning I was thirsty room is about 4 or 5 doors down from mine my head mate (b)(6), (b)(7)(C) went down there to see if she might have some water and discovered a black and blue bag hanging from her door being noisy took the bag opened it and emptied it out there was bottles of liquor and a note was in there once she seen the note she came to me and we both read it. The noted stated and I don't remember word for word but I know the gist of it. At the top portion of the paper it was to and he basically was saying he was returning her liquor because he didn't want to get rid of it and it was hers and he never wanted to see her again and that his drinking days were over in GTMO. And the bottom portion of the paper was to and the things from the note that stuck out was he messed his career up and he doesn't want to be with in a mile of him and his not coming to his party. Once the note was read (b)(6), (b)(7)(C) put the note and alcohol back in the bag and back on door.

Continuation of voluntary sworn statement of

BM3 (b)(6), (b)(7)(C) USN

on December 12, 2011

This statement, consisting of this page and 1 other page(s) was typed for me by (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: _____

Sworn to and subscribed before me this 12th day of December in the year 2011 at

NCISRA Guantanamo Bay, Cuba

(b)(6), (b)(7)(C)

Witnessed: _____

F
/

ervice

UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH YN (b)(6), (b)(7)(C) USN

1. This investigation was initiated on 07Dec11, after (b)(6), (b)(7)(C) reported he was indecently assaulted by SH3 (b)(6), (b)(7)(C) USN. (b)(6), (b)(7)(C) subsequently provided a sworn statement. Reporting Agent (RA) interviewed YN (b)(6), (b)(7)(C) USN, on 14Dec11, regarding his knowledge of the alleged indecent assault.

2. (b)(6), (b)(7)(C) reported he had learned of the alleged assault from (b)(6), (b)(7)(C) told him there was an altercation between (b)(6), (b)(7)(C) and another guy, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) recalled he was also at the BBQ on the night of 02Dec11. He reported he also continued to the Windjammer and to the patio in front of (b)(6), (b)(7)(C) Cuzco residence.

3. (b)(6), (b)(7)(C) stated he hung out with (b)(6), (b)(7)(C) most of the night but that when they ended up at the patio, he spoke mostly with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) reported he and several others were on the patio, including, (b)(6), (b)(7)(C) another guy he could not identify and a MSGT who joined them. (b)(6), (b)(7)(C) reported (b)(6), (b)(7)(C) was possibly interested in (b)(6), (b)(7)(C) but that he thought (b)(6), (b)(7)(C) was gay. (b)(6), (b)(7)(C) seemed interested in (b)(6), (b)(7)(C) so maybe he was straight. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were both drunk and (b)(6), (b)(7)(C) recalled going into (b)(6), (b)(7)(C) room at some point to see its size (it is larger than other Cuzco rooms). (b)(6), (b)(7)(C) stated he left the group around 0315 and everyone he mentioned stayed and were still drinking alcohol and hanging out. (b)(6), (b)(7)(C) reported it did not appear (b)(6), (b)(7)(C) were "hitting," on each other, but he could not be sure.

4. (b)(6), (b)(7)(C) reported when he heard about the alleged assault he could not believe it. (b)(6), (b)(7)(C) was not the type to force himself on anyone. (b)(6), (b)(7)(C) heard (b)(6), (b)(7)(C) was mad at (b)(6), (b)(7)(C) because (b)(6), (b)(7)(C) could not get an erection. (b)(6), (b)(7)(C) reportedly threatened him after that. (b)(6), (b)(7)(C) was really shaken by the incident.

5. (b)(6), (b)(7)(C) had no further information.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH MA3 (b)(6), (b)(7)(C) USN

1. This investigation was initiated after (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), stated (b)(6), (b)(7)(C) reported he was indecently assaulted by SH3 (b)(6), (b)(7)(C) USN, at approximately 0300 in the morning on 03Dec11. Reporting Agent (RA) interviewed MA3 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C), USN, regarding any knowledge he had of the alleged assault.

2. (b)(6), (b)(7)(C) reported on the night of 02Dec11, he went to the Windjammer with (b)(6), (b)(7)(C) and another guy. At around 0300, they left the Windjammer and went to sit in front of (b)(6), (b)(7)(C) Cuzco residence. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) Cuzco room to get liquor and others including, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) stayed behind. (b)(6), (b)(7)(C) recalled as the night progressed that (b)(6), (b)(7)(C) was annoyed at (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was saying a bunch of stupid stuff. At some point, (b)(6), (b)(7)(C) said he was hungry and (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) went back to (b)(6), (b)(7)(C) Cuzco to get some food. They came back to the patio with food. (b)(6), (b)(7)(C) stated he left shortly after around 0300 in the morning. (b)(6), (b)(7)(C) reported at no time did (b)(6), (b)(7)(C) pass out. When (b)(6), (b)(7)(C) left, everyone was still on the patio.

3. (b)(6), (b)(7)(C) had no further information.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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(b)(6), (b)(7)(C)

V2 LNN

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STATEMENT

Place : NCISRA Guantanamo Bay, Cuba

Date : December 15, 2011

(b)(6),
(b)(7)(C) I, MA2 (b)(6), (b)(7)(C) USN, make the following free and voluntary statement to Special Agent (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the alleged incident that occurred on the evening of 02Dec11 (b)(6),
(b)(7)(C)

(b)(6),
(b)(7)(C) For identification purposes I am an (b)(6), (b)(7)(C) female approximately (b)(6),
(b)(7)(C) tall. I was born in (b)(6), (b)(7)(C) on (b)(6), (b)(7)(C) and my social security number is (b)(6), (b)(7)(C) I am currently stationed at NEGB, Joint Task Force Naval Station Guantanamo Bay, Cuba (NAVSTA GTMO) and I reside at Cuzco Barracks (b)(6),
(b)(7)(C) NAVSTA GTMO. (b)(6),
(b)(7)(C)

(b)(6),
(b)(7)(C) I have known SH3 (b)(6), (b)(7)(C) USN, NEGB JTF GTMO, since February of 2011. I went through training with him in Texas and Mississippi and here in NAVSTA GTMO he hosts dinners and stuff all the time. So I hang out with (b)(6), (b)(7)(C) on a regular basis. (b)(6), (b)(7)(C) has a shy and timid personality. I know who HM2 (b)(6), (b)(7)(C) is, he is a corpsman and I know his name because I sort the mail at the Armory and I see his name. I have not really talked with him before besides saying Hi and Bye

On Friday evening, 02Dec11, I was working the night shift. I heard that YN2 (b)(6), (b)(7)(C) USN, NEGB, and BM3 (b)(6), (b)(7)(C) USN, NEGB, were going to be at a Barbeque that night. On Sunday morning, 04Dec11, I was hanging out with (b)(6), (b)(7)(C) we were sitting around a picnic table at the Cuzcos barracks. We decided to look for cigarettes so we went to MA2 (b)(6), (b)(7)(C) USN, NEGB, room. (b)(6), (b)(7)(C) knocked on (b)(6), (b)(7)(C) door and no-one answered, (b)(6), (b)(7)(C) tried turning the knob and it was locked. (b)(6), (b)(7)(C) found a royal blue JSMART drawstring bag hanging on the doorknob of (b)(6), (b)(7)(C) door. (b)(6), (b)(7)(C) realized there were five or six alcohol bottles in the bag and that the bottles still had alcohol in them. We took the alcohol bottles out of the bag and set them on the picnic table. Then we noticed a note at the bottom of the bag. The note was a small page likely from a small log-book. The note had two parts the first part said "To: (b)(6), (b)(7)(C) "I didn't feel right pouring your alcohol out but just to let you know I won't be at your party". The second part of the note said "To (b)(6), (b)(7)(C) "You ruined my life I won't be anywhere near your party, stay away from me don't come near me." It had a (b)(6), (b)(7)(C) on the bottom, where a signature would normally be

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and I talked about the note and what it was about. We concluded it was probably to (b)(6), (b)(7)(C) and to (b)(6), (b)(7)(C) because (b)(6), (b)(7)(C) last name is (b)(6), (b)(7)(C) We had no idea who (b)(6), (b)(7)(C) was at the time we were reading the note. Right after we found the note (b)(6), (b)(7)(C) told me and (b)(6), (b)(7)(C) that on Saturday morning, 03Dec11, she spoke with (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that he had sex with a guy on the evening of 02Dec11 and that the sex was weird and was the worst experience of his life. (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) that the guy he had sex with lived on M block and was a Corpsman, (b)(6), (b)(7)(C) did not tell (b)(6), (b)(7)(C) the guy's name

I figured out at work that there were only four Corpsman that I work with so I figured that the Corpsman (b)(6), (b)(7)(C) told (b)(6), (b)(7)(C) about was HM2 (b)(6), (b)(7)(C) The relationship between (b)(6), (b)(7)(C) is (b)(6), (b)(7)(C) that they are best friends, I do not believe they are involved in a romantic relationship

Continuation of voluntary sworn statement of
MA2 (b)(6), (b)(7)(C) USN
on December 15, 2011

(b)(6), (b)(7)(C) On the evening of 14Dec11, I went to a karaoke night at the Windjammer club aboard NAVSTA GTMO. At the karaoke I saw (b)(6), (b)(7)(C) I told (b)(6), (b)(7)(C) that I had to be at the NCIS office tomorrow morning for interview. (b)(6), (b)(7)(C) told me not to worry about it and that the interview was probably about him. (b)(6), (b)(7)(C) did not say anything else about it. (b)(6), (b)(7)(C) is not the type of person to talk about his personal business. (b)(6), (b)(7)(C)

This statement, consisting of this page and 1 other page(s) was typed for me by Special Agent (b)(6), (b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief. (b)(6), (b)(7)(C)

Signature: (b)(6), (b)(7)(C)

Sworn to and subscribed before me this 15th day of December in the year 2011 at

at 1025 hrs at NCIS RA Guantanamo Bay

Witnessed: _____

(b)(6), (b)(7)(C)
Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF RE-INTERVIEW WITH (b)(6), (b)(7)(C)

1. This investigation was initiated on 07Dec11 after notification from (b)(6), (b)(7)(C), Civilian, that (b)(6), (b)(7)(C) reported he was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. On 15Dec11, (b)(6), (b)(7)(C) was re-interviewed at NCISRA Guantanamo Bay, Cuba, by Special Agents (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) was interviewed from 1400-1500.

2. (b)(6), (b)(7)(C) initially signed a medical release for his mental health and medical records. This is included as enclosure (A).

3. Reporting Agent (RA) asked (b)(6), (b)(7)(C) about the alleged sexual assault and requested he provide his version of events with any additional details he may recall from the night of 02Dec11. (b)(6), (b)(7)(C) recounted the evening of 02Dec11 and reaffirmed that he could not remember how he came to be in his bed. (b)(6), (b)(7)(C) stated he woke up with SH3 (b)(6), (b)(7)(C) USN, sodomizing him.

4. RA went over the definition of sexual assault. RA also stated it is not when both parties may have consented initially and subsequently one changes their mind and both parties ceased the activity. (b)(6), (b)(7)(C) agreed with this assessment and RA relayed additional details from the night of 02Dec11 including that (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) had consensual sex.

5. (b)(6), (b)(7)(C) maintained he could not remember if that happened. (b)(6), (b)(7)(C) stated he could not believe he would ever consent to having sex with a man. (b)(6), (b)(7)(C) did acknowledge it was possible he consented but he could not remember. (b)(6), (b)(7)(C) denied he remembered any further details regarding the alleged assault on 02Dec11 beyond his initial statement.

6. (b)(6), (b)(7)(C) reported he did not intend for (b)(6), (b)(7)(C) to receive the note he wrote on 04Dec11. It was a personal note only meant to vent his frustration on paper.

7. (b)(6), (b)(7)(C) related he reported the incident because he did not want

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15DEC11

SUBJ: (b)(6), (b)(7)(C) YHN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

this to happen to anyone else. (b)(6), (b)(7)(C) stated he did not want to physically harm (b)(6), (b)(7)(C) or anyone else involved in the case. (b)(6), (b)(7)(C) left NCIS at approximately 1500.

ENCLOSURE

(A) Authority to Release Medical Records for (b)(6), (b)(7)(C) 15Dec11

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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(b)(6),
(b)(7)(C)

V2 LNN

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AUTHORITY TO RELEASE MEDICAL RECORDS

I authorize JSMART AND GUANTANAMO BAY NAVAL HOSPITAL MEDICAL RECORDS

[insert provider name or insert description of class of providers] to disclose protected health information (PHI) from the records of:

(b)(6), (b)(7)(C) , DOB (b)(6), (b)(7)(C) Cuzco (b)(6), (b)(7)(C)

[insert patient name, birth date, address, phone number or other method of identification].

I authorize PHI from December 2, 2011 *[date]* to December 15, 2011 *[date]* to be disclosed to

Special Agent (b)(6), (b)(7)(C)

NCISRA Guantanamo Bay, Cuba

PSC 1005, Box 42, FPO, AE 09593

[Insert name, address, and phone number of law-enforcement agency.]

Medical and Mental health information

[Insert specific description of the information to be disclosed]

Ongoing Investigation

[Insert specific description of the purpose of the disclosure. Explain why you need the information, i.e. you are investigating the case, etc.]

I authorize the provider to disclose information related to the following types of care (check all that apply):

- ☒ Behavioral Health Care/Psychiatric Care/Mental Health Information
☐ Alcohol- and/or Drug-Abuse Treatment

I understand that the provider will not deny me treatment if I do not wish to sign this form. I may refuse to sign this authorization form. I also understand that I may revoke this authorization at any time, unless the provider has already relied on my authorization to disclose health information to the law-enforcement agency named above. Unless I revoke this authorization earlier, it will expire on the following date, event, or condition:

15Dec12 and/or closure of the investigation.

[Insert an expiration date, event, or condition that relates to the purpose of disclosure.]

I understand that, if this information is disclosed to the law-enforcement agency, the information may no longer be protected by the federal privacy regulations, and may be redisclosed by that agency. I understand the matters discussed on this form. I release the provider, its employees, officers, directors, medical staff members, and agents from any legal responsibility or liability for the disclosure of the above information to the extent indicated and authorized herein.

(b)(6), (b)(7)(C)

Signature of Patient

15 DEC 2011
Date/Time:

(b)(6), (b)(7)(C)

//23B/GT/SEFO//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16DEC11

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF EVIDENCE COLLECTION FROM (b)(6), (b)(7)(C)

1. On 07Dec11, (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), notified NCISRA Guantanamo Bay, Cuba, of an alleged sexual assault committed at approximately 0300 on 03Dec11 at the Cuzco Barracks (b)(6), (b)(7)(C) Guantanamo Bay, Cuba. (b)(6), (b)(7)(C) was reportedly drinking with a group of friends, including an acquaintance, SH3 (b)(6), (b)(7)(C) on the evening of 02Dec11. (b)(6), (b)(7)(C) reportedly stated (b)(6), (b)(7)(C) bought him alcoholic drinks and at some point, he had so much that (b)(6), (b)(7)(C) blacked out. (b)(6), (b)(7)(C) woke up to (b)(6), (b)(7)(C) sodomizing him on his bed.

2. (b)(6), (b)(7)(C) was subsequently interviewed on 09Dec11 and provided a sworn statement. On 16Dec11, (b)(6), (b)(7)(C) returned to NCISRA Guantanamo Bay, Cuba, and voluntarily signed a Permissive Authorization for Search and Seizure for two (2) buccal swabs (Enclosure A). Reporting Agent (RA) collected the swabs and they were placed into the NCIS evidence custody system under log number 049-11.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure/16Dec11

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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PAGE 1 LAST (b)(6), (b)(7)(C) V2 LNN

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 16 Dec 11

I, (b)(6), (b)(7)(C), after being
advised by Special Agent (b)(6), (b)(7)(C) that the
Naval Criminal Investigative Service is conducting an investigation into a violation of
Article 120 and sexual assault,
have been requested to permit a search of my mouth to take buccal swabs.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 16 Dec 11
by Special Agent (b)(6), (b)(7)(C) and I hereby give
my permission to remove and retain any property or papers found during the search which are desired
for investigative purposes.

I make this decision freely and voluntarily, and i
promises extended to me.

Sig

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 0844

End : 0845

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06JAN12

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH MSGT (b)(6), (b)(7)(C), USAF

1. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), CIV, Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA-GTMO. During an interview with (b)(6), (b)(7)(C), he reported (b)(6), (b)(7)(C), USAF, came out of his room to tell (b)(6), (b)(7)(C) and his friends to be quiet. On 05Jan12, (b)(6), (b)(7)(C) was interviewed regarding his knowledge of events on the evening of 02Dec11 and early morning of 03Dec11.
2. (b)(6), (b)(7)(C) reported during the early morning of 03Dec11, (b)(6), (b)(7)(C) and his friends were talking loudly, laughing loudly and had music playing on the patio area of the Cuzco barracks. (b)(6), (b)(7)(C) stated it was not unusual for this to occur and on several occasions he had told (b)(6), (b)(7)(C) or others to be quiet on the patio during the early morning hours.
3. On 03Dec11, (b)(6), (b)(7)(C) stated he recalled seeing his neighbor, (b)(6), (b)(7)(C), with several friends (b)(6), (b)(7)(C) recognized, however, (b)(6), (b)(7)(C) did not know them by name or personally in any way. (b)(6), (b)(7)(C) reported the group was sitting at the picnic table and playing cards when he came out of his room. They were not fighting. No one was more drunk than normal and no one was screaming.
4. (b)(6), (b)(7)(C) did not really know (b)(6), (b)(7)(C) personally. They are not from the same military unit and do not mix socially. (b)(6), (b)(7)(C) stated he did not hear anything out of the ordinary from (b)(6), (b)(7)(C) room during the morning of 03Dec11.
5. (b)(6), (b)(7)(C) had no further information.

BIOGRAPHICAL DATA

EMPLOYMENT: MSGT USAF

SSN: (b)(6), (b)(7)(C)

DOB: (b)(6), (b)(7)(C)

POB: (b)(6), (b)(7)(C)

RESIDENCE: CUZCO BARRACKS (b)(6), (b)(7)(C)

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SUBJ: [REDACTED] HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

OTHER: PHONE: [REDACTED] (CELL)

REPORTED BY: [REDACTED], Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06JAN12

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

RESULTS OF INTERVIEW WITH CPL (b)(6), (b)(7)(C), USA

1. On 07Dec11, (b)(6), (b)(7)(C), Sexual Assault Response Coordinator (SARC), notified NCISRA Guantanamo Bay, Cuba, of an alleged sexual assault committed against (b)(6), (b)(7)(C) at approximately 0300 on 03Dec11 at the Cuzco Barracks (b)(6), (b)(7)(C) Guantanamo Bay, Cuba. On 06Jan12, Reporting Agent interviewed CPL (b)(6), (b)(7)(C), USA, regarding his knowledge of events the evening of 02Dec11 and early morning of 03Dec11. (b)(6), (b)(7)(C) lives next door to (b)(6), (b)(7)(C) in Cuzco Barracks (b)(6), (b)(7)(C) and they share a bathroom.

2. (b)(6), (b)(7)(C) reported in the early morning of 03Dec11, (b)(6), (b)(7)(C) invited him to sit out on the patio but (b)(6), (b)(7)(C) preferred to stay in his room, watching TV and on Facebook. (b)(6), (b)(7)(C) reported there were several individuals outside and he did not know them all personally.

3. (b)(6), (b)(7)(C) stated around 0400 or 0430, (b)(6), (b)(7)(C) television (tv) and video games increased significantly in volume. (b)(6), (b)(7)(C) knew someone was over in (b)(6), (b)(7)(C) room, but could not identify if it was a male or female by the voice. (b)(6), (b)(7)(C) reported a short time later, it sounded as though the tv and other items were shut off in (b)(6), (b)(7)(C) room and it was quiet. At this point, (b)(6), (b)(7)(C) heard noises associated with sexual or intimate activity. (b)(6), (b)(7)(C) stated at this point, he increased the volume of his own tv and did not hear anything further.

4. (b)(6), (b)(7)(C) reported at no time did he hear any yelling or screaming or anyone saying, "No." (b)(6), (b)(7)(C) particularly noted if he had heard something like that, he would have immediately knocked on the door and/or intervened.

5. (b)(6), (b)(7)(C) related he is friendly with (b)(6), (b)(7)(C) and did have him and a few others over for movies a couple days after the alleged assault. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) told him (b)(6), (b)(7)(C) was "raped," by a man about a week after it happened and also told several others in the Cuzco barracks. (b)(6), (b)(7)(C) gave no additional details. (b)(6), (b)(7)(C) thought it was a little strange to tell everyone on the block and he was not sure why (b)(6), (b)(7)(C) did that.

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06JAN12

SUBJ: (b)(6), (b)(7)(C) HN USN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. (b)(6), (b)(7)(C) had no additional information.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISRA GUANTANAMO BAY, CUBA~~FOR OFFICIAL USE ONLY~~

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

09DEC11

INDECENT ASSAULT (II)

CONTROL: 07DEC11-SEGT-0055-8DNA

(b)(6), (b)(7)(C)

COMMAND/JTF GTMO/31886

MADE AT/SEGT/GUANTANAMO BAY CUBA (b)(6), (b)(7)(C), SPECIAL AGENT

NARRATIVE

1. This reactive investigation pertains to the suspected violation of Article 125 (Sodomy) and Article 120 (Rape, Sexual Assault) of the Uniformed Code of Military Justice (UCMJ).

2. This investigation was initiated on 07Dec11, upon notification by (b)(6), (b)(7)(C), CIV, Sexual Assault Response Coordinator (SARC), Naval Station Guantanamo Bay, Cuba (NAVSTA-GTMO), that (b)(6), (b)(7)(C) was indecently assaulted on Saturday, 03Dec11, in his barracks room, located at Cuzco (b)(6), (b)(7)(C) NAVSTA GTMO. (b)(6), (b)(7)(C) was interviewed and reported he and several friends were out drinking alcohol on Friday night, 02Dec11, into the early morning, and ended the night in front of (b)(6), (b)(7)(C) barracks room. The friends included an acquaintance, SH3 (b)(6), (b)(7)(C) USN, Joint Task Force Guantanamo Bay (JTF-GTMO). (b)(6), (b)(7)(C) stated he was extremely drunk and blacked out and/or passed out at some point. After approximately 0300 hours, on 03Dec11, (b)(6), (b)(7)(C) awoke to find (b)(6), (b)(7)(C) anally penetrating him on his bed. (b)(6), (b)(7)(C) passed out but woke up a second time and (b)(6), (b)(7)(C) was still anally penetrating him. (b)(6), (b)(7)(C) reported he passed out again and woke up at approximately 1300. (b)(6), (b)(7)(C) was not in his room when (b)(6), (b)(7)(C) woke up. (b)(6), (b)(7)(C) believed (b)(6), (b)(7)(C) ejaculated inside him and did not wear a condom at the time of the assault.

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